



City of West University Place

A Neighborhood City

CITY COUNCIL

Susan Sample, Mayor
Bob Kelly, Mayor Pro Tem
Burt Ballanfant, Councilmember
Brennan Reilly, Councilmember
Mardi Turner, Councilmember

STAFF

M. Christopher Peifer, City Manager
Alan Petrov, City Attorney
Thelma Gilliam, City Secretary

City Council Meeting Agenda

Notice is hereby given of a regular meeting of the City Council of West University Place to be held on **Monday, June 13, 2016** beginning at **6:30 p.m.** in the **Municipal Building** located at 3800 University Boulevard, West University Place, Texas, for the purpose of considering the following agenda items.

Note: All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

CALL TO ORDER

Agenda items are as follows:

Call to Order
Pledge of Allegiance
Matters related to the notice of this meeting

1. Public Comments

This is an opportunity for citizens to speak to Council relating to agenda and non-agenda items. If the topic the speaker wishes to address is on the agenda, the speaker can either speak at this time or defer his/her comments until such time the item is discussed. Speakers are advised that comments cannot be received on matters which are the subject of a public hearing once the hearing has been closed. Public comments must be kept relevant to the subject before the Council. The presiding officer shall rule on the relevance of comments. Persons making irrelevant, personal, impertinent, or slanderous remarks may be barred by the presiding officer from further comment before the Council during the meeting. Speakers are required to register in advance and must limit their presentations to three minutes each.

2. Library Improvements

Matters related to discussing and confirming proposed improvements for identified deficiencies as approved in the 2016 Budget for the library located at 6108 Auden. *Recommended Action: Discuss and take any desired action.* **Mr. Dave Beach, Public Works Director** [see Agenda Memo 2]

3. Possible Changes in Council Meeting Dates During Summer Months

Matters related to possible changes in Council meeting dates due to Council summer schedules. *Recommended Action: Discuss and take any desired action.* **Councilmember Brennan Reilly and Mayor Pro Tem Kelly**

4. Future Agenda Items

Matters related to future agenda items. *Recommended Action: Discuss and take any desired action.*
City Council [see Future Agenda Items List]

5. Consent Agenda

All Consent Agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council member requests in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

A. City Council Minutes

Approve City Council Minutes of the May 9, 2016 and May 23, 2016 Council meetings.
Recommended Action: Approve Minutes. **Ms. Thelma Gilliam, City Secretary** [see Agenda Memo 5A]

B. Appoint Member to the Friends of West U Parks Fund, Inc.

Matters related to adopting a resolution appointing Mitra Woody to the Friends of West U Parks Fund, Inc. *Recommended Action: Adopt resolution appointing Mitra Woody to the Friends of West U Parks Fund, Inc.* **Mr. Tim O'Connor, Parks and Recreation Director** [see Agenda Memo 5B]

C. Mutual Aid Agreement

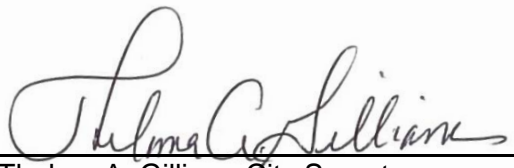
Matters related to adopting a resolution approving a Mutual Aid Agreement between the government entities within the Gulf Coast State Planning Region and the City of West University Place. *Recommended Action: Approve resolution adopting a Mutual Aid Agreement between the government entities within the Gulf Coast State Planning Region and the City of West University Place.* **Mr. Aaron Taylor, Fire Chief** [see Agenda Memo 5C]

6. Adjourn

In compliance with the Americans with Disabilities Act, if you plan to attend this public meeting and you have a disability that requires special arrangements, please contact City Secretary Thelma Gilliam at 713.662.5813 at least 24 hours prior to the meeting so that reasonable accommodations can be made to assist in your participation in the meeting. The Council Chambers is wheel chair accessible from the west entrance and specially marked parking spaces are available in the southwest parking area. Special seating will be provided.

I certify that the attached notice and agenda of items to be considered by the West University Place City Council on June 13, 2016 was posted on the Municipal Building bulletin board on June 9, 2016 at approximately 2:30 o'clock p.m.

(SEAL)



Thelma A. Gilliam, City Secretary

AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF WEST UNIVERSITY PLACE, TEXAS

AGENDA OF:	6/13/16	AGENDA ITEM:	2
DATE SUBMITTED:	6/8/16	DEPARTMENT:	Public Works
PREPARED BY:	D. Beach PW Director	PRESENTER:	D. Beach Public Works Director
SUBJECT:	Library Improvements		
ATTACHMENTS:	None		
EXPENDITURE REQUIRED:	\$300,000		
AMOUNT BUDGETED:	\$300,000		
ACCOUNT NO.:	310-7000-85000 (Capital Reserve Fund)		
ADDITIONAL APPROPRIATION REQUIRED:	\$0.00		
ACCOUNT NO.:	N/A		

EXECUTIVE SUMMARY

The library was built in 1963 and is approximately 5,564 sq. ft. From appearance and available records it appears that it has never had a major renovation. The 2016 Budget appropriated \$300,000 to remedy life/safety deficiencies in the West U Library. The following items were identified in a walk through with an architect and the City's Fire Marshal:

1. Install a Second Floor Fire Escape
2. Replace Handrails with Guardrails
3. Install a Fire Alarm System
4. Install a Sprinkler System
5. Replace the Two Existing Restrooms with ADA Compliant Restrooms
6. Install Panic Hardware on Doors
7. Install Exit Signs

This work will have some impact on the usable square footage for library services. Enlarging the restrooms will require approximately 100 – 125 sq. ft. from the main areas. The pricing was estimated with the following assumptions:

1. Library District services would not impede the construction of the improvements. There would be frequent closures as required or possible complete suspension of services during the work.
2. The Library District would be responsible for their costs associated with relocating their shelves, books and staff.
3. If services were to remain in operation, there would be no bathrooms available in the building during the work.

If funding allows the City would consider possible cosmetic renovations, such as, painting, carpet, etc.

The Facilities Master Plan Task Force is recommending that “the City complete the library improvements as budgeted in the 2016 Budget in the near term which would allow the City enough time to properly solicit public feedback concerning the future use of the Library, Community Center and Senior Center.”

RECOMMENDATION

Authorize the City Manager to implement the desire of the City Council in this matter.

FUTURE AGENDA ITEMS

Shaded items are on immediate agenda

Date	Item	Synopsis & Recommendation
06/13/16	Library Improvements	Matters related to discussing and confirming proposed improvements for identified deficiencies as approved in the 2016 Budget for the library located at 6108 Auden. <i>Recommended Action: Discuss and take any desired action. Mr. Dave Beach, Public Works Director</i>
06/13/16	Changing Meeting Dates	Matters related to possible changes in Council meeting dates due to Council summer schedules. <i>Recommended Action: Discuss and take any desired action. Councilmember Brennan Riley and Mayor Pro Tem Kelly</i>
06/13/16	Friends of WUPF, Inc. Appointment	Matters related to adopting a resolution appointing Mitra Woody to the Friends of West U Parks Fund, Inc. <i>Recommended Action: Adopt resolution appointing Mitra Woody to the Friends of West U Parks Fund, Inc. Mr. Tim O'Connor, Parks and Recreation Director</i>
06/13/16	Mutual Aid Agreement	Matters related to adopting a resolution approving a Mutual Aid Agreement between the government entities within the Gulf Coast State Planning Region and the City of West University Place. <i>Recommended Action: Approve resolution adopting a Mutual Aid Agreement between the government entities within the Gulf Coast State Planning Region and the City of West University Place. Mr. Aaron Taylor, Fire Chief</i>
06/27	Jennie Elizabeth Hughes Park (Task Force Appointment)	Matters related to the appointment of a Task Force for the Jennie Elizabeth Hughes Park. <i>Recommended Action: Appoint members to the Task Force for the Jennie Elizabeth Hughes Park. Mr. Tim O'Connor, Parks and Recreation Director</i>
06/27/16	Municipal Facilities Building Assessment	Matters related to the Municipal Facilities Building Assessment. <i>Recommended Action: Discuss and take any desired action. Mr. Dave Beach, Public Works Director</i>
06/27/16	Automated Meter Reading	Matters related to the close-out for the Automated Meter Reading Project. <i>Recommended Action: Approve close-out of the project. Mr. Dave Beach, Public Works Director</i>
06/27/16	2015 Budget Amendment	Matters related to an ordinance amending the 2015 Budget. <i>Recommended Action: Approve ordinance amending the 2015 Budget. Ms. Rhonda Daugherty, Finance Director</i>
06/27/16	Annual Financial Report (CAFR)	Matters related to acceptance of the Annual Financial Report. <i>Recommended Action: Accept the Annual Financial Report. Ms. Rhonda Daugherty, Finance Director</i>
06/27/16	Investment Policy	Matters related to a resolution adopting the West University Place Investment Policy. <i>Recommended Action: Review and approve the resolution adopting the West University Place Investment Policy. Ms. Rhonda Daugherty, Finance Director</i>

Date	Item	Synopsis & Recommendation
08/08/16	Sidewalks	Matters related to City sidewalks associated with parking. <i>Recommended Action: Discuss and take any desired action. Mayor Susan Sample</i>
08/08 or 08/22	Receipt of Tax Roll	Matters related to receiving the Tax Roll. <i>Recommended Action: Accept Tax Roll. Ms. Rhonda Daugherty, Finance Director</i>
10/24/16	Chevron Houston Marathon	Matters related to the 2017 Chevron Houston Marathon. Ms. Susan White, Assistant Parks and Recreation Director
10/24/16	Video Distribution of Council and Board Meetings	Matters related to posting videos of Council and Board meetings on the City's website. Mr. Gary McFarland, IT Director
11/14 or 11/28	Jennie Elizabeth Hughes Park (Approval of Final design)	Matters related to approval of the final design and authorization to proceed with construction of the Jennie Elizabeth Hughes Park. <i>Recommended Action: Approve the final design and authorize proceeding with construction of the Jennie Elizabeth Hughes Park. Mr. Tim O'Connor, Parks and Recreation Director</i>
11/14/16	Friends 2017 Projects	Matters related to funding of the Friends of West University Place Parks 2017 projects. Mr. Tim O'Connor, Parks and Recreation Director
11/14/16	West U Aquatics MOU	Matters related to a 2017 Memorandum of Understanding between the City of West University Place and West University Aquatics. <i>Recommended Action: Approve Memorandum of Understanding. Mr. Tim O'Connor, Parks and Recreation Director</i>
11/14/16	West U Baptist Church MOU	Matters related to a 2017 Memorandum of Understanding between the City of West University Place and West University Baptist Church. <i>Recommended Action: Approve Memorandum of Understanding. Mr. Tim O'Connor, Parks and Recreation Director</i>
11/14/16	Tri-Sports MOU	Matters related to a 2017 Memorandum of Understanding between the City of West University Place and Tri-Sports. <i>Recommended Action: Approve Memorandum of Understanding. Mr. Tim O'Connor, Parks and Recreation Director</i>
TBD	Jennie Elizabeth Hughes Park (Agreement for Design)	Matters related to authorizing the City Manager to execute an agreement for the design of the Jennie Elizabeth Hughes Park. <i>Recommended Action: Authorize the City Manager to execute an agreement for the design of the Jennie Elizabeth Hughes Park. Mr. Tim O'Connor, Parks and Recreation Director</i>
TBD	HCFFA Mutual Aid Agreement (Consent Agenda)	Matters related to adoption of a resolution authorizing the execution of the Harris County Firefighter's Association (HCFFA) Mutual Aid Agreement between the government entities within Harris County and the City of West University Place. <i>Recommended Action: Approve resolution adopting a HCFFA Mutual Aid Agreement between the government entities within Harris County and the City of West University Place. Mr. Aaron Taylor, Fire Chief</i>
TBD	Certified Appraisal Roll	Matters related to a resolution acknowledging receipt of the appraisal roll, the assessor-

Date	Item	Synopsis & Recommendation
		collector's certificate and notice of a public hearing. <i>Recommended Action: Approve resolution acknowledging receipt of appraisal roll, assessor-collector's certificate and notice of a public hearing. Ms. Rhonda Daugherty, Finance Director</i>
TBD	Record Vote on Tax Rate and Set Public Hearings	Matters related to a resolution recording vote on tax rate and scheduling public hearings. <i>Recommended Action: Approve resolution recording vote on tax rate and schedule public hearings. Ms. Rhonda Daugherty, Finance Director</i>
TBD	Schedule Public Hearings for 2017 Budget	Matters related to scheduling public hearings to hear comments on the 2017 City Budget. <i>Recommended Action: Schedule public hearings for _____ and _____, to hear comments on the City's 2017 Budget. Ms. Rhonda Daugherty, Finance Director</i>
TBD	Budget Workshop with Council (Saturday)	Matters related to city finances, 2016 tax rate and the 2017 Budget including revenues and expenditures for current and future years for all funds. Mr. M. Chris Peifer, City Manager
TBD	First Public Hearing on Tax Rate (If Necessary)	Matters related to the first of two public hearings to hear comments on the proposed tax rate. <i>Recommended Action: Hold first public hearing on the proposed tax rate. Ms. Rhonda Daugherty, Finance Director</i>
TBD	Second Public Hearing on Tax Rate (If Necessary)	Matters related to a second public hearing to hear comments on the proposed tax rate. <i>Recommended Action: Hold second and final public hearing on the proposed tax rate. Ms. Rhonda Daugherty, Finance Director</i>
TBD	Public Hearing on 2017 Budget	Matters related to a public hearing to hear comments on the 2017 City Budget. <i>Recommended Action: Hold public hearing on the City's 2017 Budget. Ms. Rhonda Daugherty, Finance Director</i>
TBD	Adoption of the 2017 Budget	Matters related to an ordinance adopting the budget for the fiscal year beginning January 1, 2017 and ending December 31, 2017 appropriating funds for such budget; containing findings and provisions relating to the subject; and declaring an emergency. Public Hearing has been closed. <i>Recommended Action: Adopt ordinance adopting the 2017 Budget on first and final reading. Ms. Rhonda Daugherty, Finance Director</i>
TBD	Adoption of the 2016 Tax Rate	Matters related to an ordinance approving and adopting the 2016 Tax Rate, and declaring an emergency. <i>Recommended Action: Adopt ordinance reducing the 2016 tax rate to _____ on first and final reading. Ms. Rhonda Daugherty, Finance Director</i>
TBD	Fee Schedule	Matters related to an ordinance adopting the 2017 Fee Schedule. <i>Recommended Action: Approve an ordinance on the first of two readings. Mr. Chris Peifer, City Manager</i>
TBD	Park Acquisition and Development	Matters related to a report from the Parks Board and staff regarding a presentation relating to current and previous parks surveys. City Council
TBD	Park Acquisition and Development	Matters related to the status of the work with the Evelyn's Park Conservancy and the planning efforts with CenterPoint.

Date	Item	Synopsis & Recommendation
TBD	2017 General Election	Matters related to an ordinance calling the 2017 Election. <i>Recommended Action: Approve ordinance on the first and final reading. Ms. Thelma Lenz, City Secretary</i>
TBD	WU Rec Center Campus Parking Lot	Matters related to the proposed expansion of the parking lot on the ELPH Pipeline Property / West Side of the campus. <i>Recommended Action: Discuss and take any desired action. Mr. Tim O'Connor, Parks and Recreation Director</i>
TBD	Safe Pedestrian Crossing	Matters regarding the investigation and installation of a safe pedestrian crossing at the railroad tracks on the north side of Bellaire Boulevard. <i>Recommended Action: Discuss and take any desired action. Mr. Tim O'Connor, Parks and Recreation Director</i>
TBD	Evelyn's Park Development	Matters related to the development of Evelyn's park in Bellaire, including possibility of shared parking arrangements with the City of Bellaire for Evelyn's park. <i>Discuss and take any desired action. Mr. Tim O'Connor, Parks and Recreation Director</i>
TBD	Texas Ethics Commission Opinion	Matters related to a Texas Ethics Commission opinion relating to the content of articles written in <i>City Currents</i> . <i>Recommended Action: Discuss and take any desired action. Councilmember Brennan Reilly</i>
TBD	Parking Survey	Matters related to a parking survey. <i>Recommended Action: Discuss and take and desired action. Mr. Dave Beach, Public Works Director</i>
TBD	Town Center Zoning	Matters related to Town Center Zoning. <i>Recommended Action: Discuss and take any desired. City Council</i>
TBD	Poor Farm Ditch	Matters related to Poor Farm Ditch. <i>Recommended Action: Discuss and take any desired action. Mayor Susan Sample</i>
TBD	Buffalo Speedway	Matters related to Buffalo Speedway Replacement Project. Mr. Chris Peifer, City Manager

6/9/2016 1:34:01 PM

AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF WEST UNIVERSITY PLACE, TEXAS

AGENDA OF:	June 13, 2016	AGENDA ITEM:	5A
DATE SUBMITTED:	June 8, 2016	DEPARTMENT:	Administration
PREPARED BY:	Thelma Gilliam, City Secretary	PRESENTER:	Thelma Gilliam, City Secretary
SUBJECT:	City Council Meeting Minutes		
ATTACHMENTS:	1. May 9, 2016 Minutes (Red-lined) 2. May 23, 2016 Minutes		
EXPENDITURE REQUIRED:	N/A		
AMOUNT BUDGETED:	N/A		
ACCOUNT NO.:	N/A		
ADDITIONAL APPROPRIATION REQUIRED:	N/A		
ACCOUNT NO.:	N/A		

EXECUTIVE SUMMARY

Staff is requesting approval of the May 9, 2016 and May 23, 2016 Minutes.

At the May 23, 2016 meeting, the May 9, 2016 Minutes were pulled from the agenda for discussion and, subsequently, revised. Therefore, the May 9, 2016 Minutes were not approved at that meeting and staff is requesting they be approved as revised. The changes are noted in the red-lined version included in this packet.

RECOMMENDATION

Approve the revised Minutes of May 9, 2016 and the Minutes of May 23, 2016.



The City of West University Place

A Neighborhood City

CITY COUNCIL

Susan Sample, Mayor
Bob Kelly, Mayor Pro Tem
Burt Ballanfant, Councilmember
Brennan Reilly, Councilmember
Mardi Turner, Councilmember

STAFF

M. Chris Peifer, City Manager
Alan Petrov, City Attorney
Thelma Gilliam, City Secretary

CITY COUNCIL MEETING MINUTES

The City Council of the City of West University Place, Texas, met in workshop and regular session on **Monday, May 9, 2016**, in the Municipal Building, 3800 University, West University Place, Texas beginning at **6:00 p.m.**

SPECIAL MEETING/WORKSHOP

Agenda Items were as follows:

Call to Order. Mayor Sample called the meeting to order at 6:00 p.m. in the Conference Room. Council and Staff in attendance were: Mayor Pro Tem Kelly, Councilmembers Ballanfant, Reilly and Turner, City Manager Peifer, City Secretary Lenz, City Attorney Petrov, Public Works Director Beach, Parks and Recreation Director O'Connor and Police Chief Walker.

Task Force Chair Owen Rutz was also present.

1. Facilities Master Plan

Matters related to hearing recommendations from the Facilities Master Plan Task Force (Task Force) and providing the Task Force with further guidance. *Recommended Action: Hear recommendations and take any desired action.*

Chair Rutz presented this item and said after a very significant amount of analysis and discussion the Task Force has come to consensus on some basic recommendations. He said the opinions of the Task Force represent the thoughts of the 11-member Task Force and do not necessarily represent the thinking of West University citizens as a whole.

Mr. Rutz presented a PowerPoint presentation that reviewed the scope of the Facilities Master Plan Task Force (Task Force) that was discussed at the City Council workshop of January 4, 2016, and the Task Force recommendations.

Mr. Rutz said at the meeting of January 4, 2016, Council made and approved a motion to limit the scope of what the Task Force is looking at to the Library, the Community Building/Senior Center, the Public Works Out-Buildings as defined in the 2015 Master Plan document, the Public Works Maintenance Facility and the Dincans Facility. Mr. Rutz said the Task Force met weekly for 2-3 hours per meeting, consulted with architects PGAL who worked on the previous Master Plan, and toured all the City's facilities, except for the Ruffino Hills land field. He said they also reviewed and discussed the contents of the 2014 Master Plan and the two 2015 versions of the Master Plan and reviewed the Minutes of the January 4, 2016 Council workshop.

Mr. Rutz first provided thoughts of the Task Force on the following facilities:

- **Public Works Maintenance and Operations Facilities.** The Task Force recommends retaining these facilities at their current location on Milton Street because it sees no compelling reasons or benefits arising from a relocation of these facilities and feels that both facilities are in satisfactory condition and should, with normal regular maintenance and upkeep, adequately fulfill the City's needs for the next 10 years.
- **Dincans Facility.** The Task Force recommends retaining this property for the City's use or benefit for the foreseeable future because it feels that the Dincans facility provides flexibility to meet possible future needs of West University and that it would be very difficult to find and acquire similar property if such a need arises. Further, the Task Force sees Dincans as a valuable asset, which is most likely to increase rather than fall in value, and it sees no downside in its retention.

Councilmember Reilly asked if the committee reviewed what the value would be for a ground lease of that property. Mr. Rutz responded "no", because they did not go into that level of detail.

He said at this point, the Task Force would like to receive feedback from Council to see if it is anywhere close to what is expected.

- **Library, Community Center and Senior Center**
 - Complete the Library Improvements as budgeted in the 2016 Budget in the near term, which will allow the City enough time to properly solicit public feedback concerning the future use of the Library, the Community Center and Senior Center.
 - Canvass the West U Community to assess whether the Library, Community Building and Senior Center meet the residents' current and future needs and wants.
 - City Council could consider whether an opportunity might exist for a joint facility to better optimize the use of the limited space. *Mr. Rutz noted that the Task Force feels uncomfortable making any specific recommendations regarding this item without having additional input from West U citizens before moving forward on something like that.*

Councilmember Reilly asked if the consensus of the Task Force is that the City should investigate having a single facility and if it is based the perception that the current facility isn't adequate to the City's need or is in poor condition. Mr. Rutz responded that the gist of it was the Task Force didn't feel comfortable making that kind of analysis. He said they specifically did not let PGAL give them technical information and that the requested engineering study was never done. He said they felt that the whole basic issue was premature and did not belong in the presentation.

Mayor Sample asked if the Task Force sees this as one of the many options that can be included in the Master Plan. Mr. Rutz said the Task Force thinks that only the front page of the recommendation section of the 2015 Master Plan should be updated to include all the ideas and then get the citizen's input on it, because as the Task Force sees it, nothing needs to be at this particular point in time, until people say they want it to be done.

- **Long-term Planning for City Property.** Mr. Rutz said the Task Force has no recommendations that allude to any specific idea of what the City should do about long-term planning for city property other than there has to be a plan, because in order to do something five or ten years from now, planning for property acquisition has to start now. He said it became evident during the review of the options available for location of City facilities, there

were limited options to address the changing long-term needs of the community and future property opportunities will be increasingly limited and costly; and further, there is very little to no downside to securing property as West U and adjacent area are assets that hold their value.

Mayor Sample said she doesn't have any thoughts about acquiring property, but asked what the Task Force is thinking about in that regard. Mr. Rutz said there are a lot of hypotheticals which the Task Force is hesitant to talk about because it gets people all worked up.

Orval Marlow, member of the Task Force, spoke to say that they discussed acquiring small acquisitions for parking lots and things of such, but no serious acquisitions.

Councilmember Reilly said if he was trying to put together that type of a long-term plan, one of things he would like to document is a perceived inadequacies of the current facility or perceive the need for a future facility, so he looks for the Task Force to inform Council of what it is missing that it should be planning for or pointing out deficiencies Council needs to correct.

Councilmember Reilly also commented regarding the Task Force recommendation to hold on to the Dincans property for some need in the future. He asked what are the possible needs because, though it relatively costless, the City is missing out on opportunity costs which is something that is significant to long-term planning.

Councilmember Reilly said one of the things he was disappointed about was that the City has a property on Braes Bayou (~~Ruffino Hills~~) that the Task Force didn't even tour. He said it seems to him that whatever the Task Force is thinking it needs Dincans for in the future, the ~~Ruffino Hills~~ **Braes Bayou** property could probably serve the purpose (parking garbage truck, etc.) and it's not valuable property due to its location.

Formatted: Strikethrough

Formatted: Strikethrough

Mayor **Pro Tem** Kelly said the Task Force did an excellent job and basically is stating that what the City has now works and there is no critical need that needs to be addressed at this time other than what has been budgeted for upgrades to the library. He said he also agrees that now it is time to go the public for their input and once those are received then the City can start developing the options and carrying them out maybe through an election. He said the citizens will either vote it up or down.

Mr. Rutz requested further direction from Council at some point.

2. **Adjourn**

At 6:30 p.m., Mayor Sample closed and adjourned the workshop meeting.

REGULAR MEETING

Agenda Items were as follows:

Call to Order. Mayor Sample called the meeting to order at 6:35 p.m. in the Council Chambers. Council and Staff in attendance were: Mayor Pro Tem Kelly, Councilmembers Ballanfant, Reilly and Turner, City Manager Peifer, City Secretary Lenz, City Attorney Petrov, Public Works Director Beach, Parks and Recreation Director O'Connor and Police Chief Walker.

Senior Services Board Chair Michelle Moore was also present.

Mayor Pro Tem Kelly led the Pledge.

City Secretary Lenz confirmed that the notice of this meeting was duly posted in accordance with the Texas Government Code, Chapter 551.

3. Public Comments

This was an opportunity for citizens to speak to Council relating to agenda and non-agenda items.

Diane Wells, 3804 Coleridge, spoke regarding gun laws. She said she was surprised to learn that guns are perfectly legal at swim meets at the Rec Center, because if a gun goes off at one of the meets a bullet would be almost certain to hit someone. She said she checked with the office of Senator Joan Huffman and according to her office banning guns from the Rec Center is out of the City's control because it is a public facility. She asked if the City has a plan to ensure the safety of her grandchildren and their friends.

4. National Older Citizens and National Volunteer Month

Matters related to proclaiming the month of May 2016 as "National Older Citizens and National Volunteers Month" in the City of West University Place. A reception honoring WUP Volunteers and Senior Citizens will be held at 5:30 pm at City Hall. The reception will include light refreshments and the public is invited to attend. *Recommendation: Proclaim May as "National Older Citizens and National Volunteers Month" in the City of West University Place.*

Senior Services Manager Toby Brooks presented this item and thanked all the volunteers.

Mayor Sample then read the proclamation proclaiming May 2016 as National Older Citizens and National Volunteers month in the City of West University Place.

5. Milton Street Ground Storage Tank Rehabilitation

Matters related to authorizing funds from the Water Capital Improvement Project Fund to fund a 1.5 MG Storage Tank concrete floor. *Recommended Action: Authorize funds from the CIP fund for a 1.5 MG Storage Tank concrete floor.*

Public Works Director Beach presented this item and said that in 2015 funds were allocated for the rehabilitation of the 1.5 Million Gallon (MG) Storage Tank and the 400,000 Gallon Ground Storage Tank at the Milton Street facilities and upon completion of both projects it was found that there was a leak in the 1.5 MG Storage Tank that occurred during the rehabilitation process. He said after consulting with an engineer specializing in water storage tanks, staff decided that the most cost effective way of repairing the leak was to layer the bottom of the storage tank with a 6-inch concrete flooring and install a drain.

Mr. Beach said staff is recommending that City Council appropriate an additional \$64,000 from the Water/Sewer Capital Reserve Fund for work related to the Milton Street Ground Storage Tank Rehabilitation increasing the project budget from \$750,000 to \$814,000.

Councilmember Ballanfant moved to approve staff's recommendation. Councilmember Turner seconded the motion. **MOTION PASSED.**

Ayes: Sample, Kelly, Ballanfant, Reilly, Turner
Noes: None
Absent: None

6. Seniors' Exemption

Matters related to the exemption for senior West U residents. *Recommended Action: Discuss and take any desired action.*

Senior Services Board Chair Michelle Moore presented this item and thanked Council for recognizing the value of the City's senior citizens and the many volunteer hours they have donated for the betterment of the community.

Ms. Moore said residents are fortunate that West U has a history of providing significant incentives for the continuing residency of its seniors, but it's the property tax reduction that she is present to address.

Ms. Moore said in 1990 the City instituted its own senior tax reduction program in order to help seniors on a fixed income remain in their homes despite rising property taxes. She said due to escalating property values, Council enacted adjustments in 1993, 2003 and 2008 bringing the value of the senior reduction up 25% of the average taxable value for each revision. She said currently, the reduction represents only 19% of average taxable value and, according to the Harris County Appraisal District, the percentage of homes claiming the over 65 exemption in West U has increased from 18% to 23% over the last 20 years.

Ms. Moore said after analysis, the Senior Services Board (the "Board") proposes that the current over 65 tax reduction be restored to its historical level of 25% of average taxable value and because the 2015 average taxable value of a West U home is \$972,320 the Board proposes an adjusted tax reduction of \$243,000, effective with the next applicable annual budget cycle. She said this proposal affects the tax rate by only 4/10ths of one cent per \$100 value, approximately \$44, per household. She said, furthermore, the Board requests Council consideration of reviewing the senior tax exemption rate on a regular basis to ensure the historical level of 25% of average taxable value is maintained.

Ms. Moore said many of the seniors have lived in West U for decades and have paid taxes that funded extensive infrastructure upgrade, parkland acquisition and the construction of a brand new recreation center, all of which benefit the community-at-large. She said the Board believes that adopting the tax reduction would be a strong affirmation of the City's commitment to its seniors and recognition that seniors are essential to the City's quality of life.

After Ms. Moore's presentation and before Council's discussion, Mayor Sample called on members of the public who signed up to speak on the issue.

Chuck Guffey, 2809 Sunset spoke to say that Council needs to recognize that seniors living on retired income need an additional exemption on taxes because they no longer have an income they can deduct from their federal taxes.

Thomas Pielech, 4208 Ruskin Street, spoke to speak in opposition of an increase of the senior tax exemption. He said his chief concern with granting special privileges for classes of people based solely on their age is that there is no means testing for this special economic privilege. He said Council would be shifting the tax burden from wealthy, over 65 residents to hard working families and other residents. He said according to U.S. Census data, the average over 65 household in West U has an income of \$123,000, which is 5 times the household income level of average Harris County and Houston residents and that's without taking into account the tremendous real estate value. Mr. Pielech said residents over 65 already enjoy a host of benefits from West U and since

2010 the amount spent on senior citizen services per household is up 75%. He asked that Council reject an increase in the exemption and also look into means testing exemption itself, because it is unfair to be asking hardworking families to subsidize over 65 wealthy citizens.

Carlos De La Torre, 6700 Belmont, spoke to say that he is a member of the Senior Services Board and the Good Neighbor Team. He said senior residents contribute to the community by paying school taxes when they don't have children and by contributing to the parks and recreation facilities when the facilities are mostly directed at young families. He said he wants Council to realize that West U facilities are maintained by everyone for the benefit of everyone and it's impossible to try to split specifically the benefit that each one gets. Mr. De La Torre urged Council to think of how much the community gets from seniors when looking at senior benefits.

Alida Drewes, 6112 Fordham, spoke to say that it has been many years since the last senior exemption was granted and so Council should support an increase. She said seniors are not moving into West U buying \$2,000,000 homes to get the 65 exemption. She said many seniors are long-time residents living in lower priced homes as she does. She said the Senior Services Board has come forward to support West U seniors and it is past time to raise the exemption. She asked Council to do the right thing by voting to raise the senior exemption.

There were further comments from the public.

City Manager Peifer noted that tonight's vote is not whether or not to approve an ordinance, but whether or not Council wants staff to bring forward an ordinance at a future meeting that would reflect proposed changes. He said Council will have to determine whether this City is being equitable to both seniors as well as others that will shoulder the financial responsibility and whether the action will focus on those residents in need.

Regarding a question he was asked regarding senior exemptions for surrounding cities, Mr. Peifer said Piney Point offers \$21,000, Spring Valley offers \$20,000, Hedwig Village offers \$20,000 and Bunker Hill offers \$15,000.

Mr. Peifer noted that West U does not offer tax freezes, but it does offer deferrals and payment plans.

Councilmember Reilly asked about senior exemptions for the City's immediate neighbors such as Bellaire and City of Houston. Mr. Peifer responded that Southside Place mirrors West U at \$185,000, which is the highest exemption in Harris County; Bellaire's exemption is \$135,000 and the City of Houston's is \$160,000.

Councilmember Reilly asked about the City's deferral option and City Manager Peifer responded that a senior can defer a payment of property taxes that will accumulate and be charged against the estate at an interest rate of 8 percent annually.

City Manager Peifer said the deadline to adopt an ordinance to amend the exemption is July 1, 2016 for the next tax cycle.

Mayor Sample said she calculated the \$44 increase a year per household and amortized it to a 15-year bond and so the City would be borrowing approximately \$4,000,000 on a recurring basis every 15 years; so, she would want to take it the voting public to see if they would want to take on a permanent \$4,000,000 bond.

Councilmember Reilly asked if there is a way to mean test this directly or through proxies (age of home for example). He said he asked staff if the City could figure out a way to have a different tax rate based upon the age of a home, the number of years one lived there, a person's income, etc., and he was informed that the City can't as state law dictates that there has to be one tax rate for everybody over the age 65, regardless whether a person has a \$2,000,000 home who moved here last year or someone who has lived here for 50 years and is living in a \$400,000 home.

Councilmember Reilly asked Ms. Moore why they chose the average taxable value to set the exemption amount. Ms. Moore responded that the Board charted the trend to see how many times the City adjusted the exemption and every time it was adjusted it increased 25% of average taxable value, so to the Board it seemed it was a defacto policy.

Councilmember Reilly said it is very interesting to look at the numbers and how they've changed over time. He said from 1995 to 2003 the number of seniors decreased dramatically, so in inflation adjustment terms, the value of the exemption declined by over 20%. He said from 2003-2008 it decreased by 20% in the amount of tax. He said over those years, in nominal terms, the benefit went from \$374,000 to \$348,000, which was due to the dramatic decrease in the tax rate even though the number of seniors increased.

Councilmember Reilly said since 2003, the number of seniors has increased by 36%. He said due to the increased number of seniors the amount of the tax exemption has increased dramatically in nominal terms and in real terms. He said there is now a total tax cost of \$773,000 compared to the \$612,000 in 2009 after the last increase, so the actual amount of tax benefits that the seniors are getting is increasing dramatically.

Ms. Moore said it might be worthwhile for the Board to further explore other ideas and direction from Council. She said it has been quite some time since the last exemption and there are people that are on very low social security income. Councilmember Reilly said he sympathizes with the seniors, but he is concerned that the City's financial circumstances are quite different then it was in 2008 and 2003.

Councilmember Turner asked whether the Board discussed deferrals and payment plans and how they fit into the proposal for a 25% increase. Ms. Moore said the Board did not discuss deferrals and payment plans. Councilmember Turner said deferrals and payment plans seem to be a good way to go if someone wants to keep their house. She said is that not a possibility for some of the residents. Ms. Moore said that would require more research because the Board doesn't have an accurate account of residents the City has over 65 that could really benefit from this. Councilmember Turner said that is what bothers her about the proposal in general. She said she is not sure that Council has all the data it needs to make an intelligent decision.

Ms. Moore said the Board's purpose was to bring this forward to provide history of what they see as a defacto policy. She said in her opinion Council needs more answers on the demographics before it can make a decision.

Councilmember Ballanfant said Council will need more data on this. City Manager Peifer said he isn't sure how much more data the City can collect, but he will check into it.

Mayor Sample said how about doing an impact study for the people who will end up paying for it. She said there are a lot of families living paycheck to paycheck who moved here for the school. She said they work hard to pay for their homes and she doesn't want to stick them with the bill for the increased exemption.

Councilmember Reilly said the way these things work, the number will go up and will never come down. He said as the number of seniors increases the spreading of the costs increase. He said it is one thing when there are 4 or 5 under 65 for every over 65, but it's another thing when there's 2. He said it becomes very difficult to spread those costs out and it has to be thought about for the long-run and not just for the next year.

Ms. Moore said it would take someone who is more educated in demographics and research than she is to figure out how to do those projections. She said a suggestion was made by the Board that maybe members could possibly talk to Rice University of University of Houston graduate students to see if they could get some additional projections on the over 65 population.

Councilmember Ballanfant said the amount of debt the City is carrying is declining and a large portion of what is owed will decrease. He said the City wants to look at all the different options and be able to make a smart look forward of what the next 5 to 10 years will be like.

Councilmember Turner asked if staff has a source at the Harris County Appraisal District that could provide additional information, because the City needs to find a way to treat everyone fairly.

Ms. Moore said she and the Board are open to any creative solutions.

Councilmember Reilly said one solution is to continue doing what the City is doing right now, such as providing value to seniors through discounted programs at the recreational facilities.

Mayor Sample said the City does offer many services to seniors, including rides to where they need to go. She said the City offers its seniors great services.

Mr. Peifer said he is looking to Council to provide staff with direction on whether it wants staff to bring forward a proposed ordinance, do further research or something else.

Councilmember Turner said she would like to see additional data.

Mr. Peifer confirmed that it is his understanding that Council wants additional data on senior population, income level and projected debt service.

Mayor Sample asked what data will be collected with respect to the people who will be picking up the costs.

Mr. Peifer said the City could do some type of survey.

Councilmember Reilly said the best thing the City can do for its seniors is to keep the taxes low and not incur any new debt so residents are able to enjoy the anticipated decrease in the rate in 2021 and at that time take a look at increasing the exemption. He said another thing the City can do is publicize the deferral program so that seniors can understand what it is.

Mayor Sample said staff can also look at what other cities are doing.

Mayor Pro Tem Kelly said he has heard a lot of the pros and cons before over the years and said he thinks the strongest argument for raising the exemption in the past was the fact that there was no way of making it available to the people who needed it versus making it available to those who didn't need it. He said when staff generates all the numbers it will come across the same problem.

Mr. De La Torre spoke again and said the Board agrees that it would be much better if the City can direct the efforts that the community makes to support the seniors who need it. He said those serving on the Seniors Services Board and the Good Neighbor Team knows those that need it. He said they need direction in order to use the City's tax dollars so that they are distributed to those who need it, which is probably not by way of a tax exemption.

Mr. De La Torre said the Good Neighbor Team conducted a survey of the residents they serve and there is a great need for other services, such as a free connection to Direct Link for an emergency call and have a med alert button or something that would save the life of a senior who lives alone. He said the last thing the seniors need is for Council to eliminate or curtail the tax exemption without receiving anything in return.

Ms. Moore said the Board is willing to discuss any other solution Council has.

Mayor Sample said Council will need to think about this and provide direction later because she doesn't feel Council is ready to make a decision at this point.

Councilmember Reilly said he is not interested in an ordinance at this point, but he interested in hearing more about ways the City can publicize the deferment program and having a real market rate of interest on the program so that it is more attractive to the City's seniors so they don't feel like they are losing their homes by not paying their taxes.

Cynthia Johnson, 3805 Tennyson, spoke to say that the City might also want to look at the footprint of a senior home versus the footprint of a family home, so that the City is not just looking at what it's doing for seniors, but also the extensive amount of amenities provided to families. She said the footprint on a family home on goods and services is probably more significant than that of a senior home.

Mr. Peifer said staff will collect and provide Council with additional data and in the future the mayor or two councilmembers can add it to an agenda.

7. Future Agenda Items

Matters related to future agenda items. *Recommended Action: Discuss and take any desired action.*

Councilmember Reilly requested that an item for Council feedback to the Facilities Master Plan Task Force be added to the May 23, 2016 Council agenda. Mayor Pro Tem Kelly seconded the request.

Councilmember Reilly requested that an item to discuss meeting date changes be added to the Mayor 23, 2016 Council agenda. Mayor Pro Tem Kelly seconded the request.

8. Consent Agenda

All Consent Agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council member requests in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

A. City Council Meeting

Approve City Council Minutes of the April 25, 2016. *Recommended Action: Approve Minutes.*

Mayor Pro Tem Kelly moved to approve the Consent Agenda as presented. Councilmember Reilly seconded the motion. **MOTION PASSED.**

Ayes: Sample, Kelly, Ballanfant, Reilly, Turner
Noes: None
Absent: None

9. Council/Manager/Attorney Reports

City Manager Peifer gave an update on the parking lot that is contiguous to the Rec Center. He said the City's Public Works staff is spreading stabilized material on it for a stabilized surface and they will add car stops. He said before staff can spread an all-weather purpose surface, staff will need to either redirect the drainage flows up to Ruskin or purchase detention.

Regarding the lot behind the Rec Center, Mr. Beach spoke to say that the goal is to have the lot complete by June 1.

Mr. O'Connor spoke to say that staff is moving forward on upgrading the existing lot and going further north to the City's property line, which will probably give the City 35 to 40 parking spaces. He said this is significant because there was no definition before and people didn't know it was a parking lot.

Mr. Peifer reported that the Drug Take Back Program sponsored by the Drug Enforcement Agency collected between 700 and 800 pounds of drugs at the West U collection site.

Mayor Sample announced that the City is having a ribbon cutting on Wednesday night at 6:00 p.m. for the opening of the Colonial Park West End Redevelopment.

10. Adjourn

With no further discussion, Councilmember Ballanfant moved to adjourn the meeting at 8:05 p.m. Councilmember Turner seconded the motion. **MOTION PASSED.**

Ayes: Sample, Kelly, Ballanfant, Reilly, Turner
Noes: None
Absent: None

Prepared By:

Thelma A. Gilliam, City Secretary

Date Approved



The City of West University Place

A Neighborhood City

CITY COUNCIL

Susan Sample, Mayor
Bob Kelly, Mayor Pro Tem
Burt Ballanfant, Councilmember
Brennan Reilly, Councilmember
Mardi Turner, Councilmember

STAFF

M. Chris Peifer, City Manager
Alan Petrov, City Attorney
Thelma Gilliam, City Secretary

CITY COUNCIL MEETING MINUTES

The City Council of the City of West University Place, Texas, met in workshop and regular session on **Monday, May 23, 2016**, in the Municipal Building, 3800 University, West University Place, Texas beginning at **6:30 p.m.**

Agenda Items were as follows:

Call to Order. Mayor Sample called the meeting to order at 6:30 p.m. in the Council Chambers. Council and Staff in attendance were: Mayor Pro Tem Kelly, Councilmembers Reilly and Turner, City Manager Peifer, City Secretary Lenz, City Attorney Petrov, Public Works Director Beach, Parks and Recreation Director O'Connor and Police Chief Walker. Councilmember Ballanfant was absent.

Facilities Master Plan Task Force Chair Owen Rutz was also present.

Mayor Pro Tem Kelly led the Pledge.

City Secretary Lenz confirmed that the notice of this meeting was duly posted in accordance with the Texas Government Code, Chapter 551.

1. Public Comments

This was an opportunity for citizens to speak to Council relating to agenda and non-agenda items.

Alida Drewes, 6112 Fordham, spoke to say that the last senior property exemption was granted 8 years ago. She said some seniors are now making less than \$20,000 and said a report showing a list of homes and their values inhabited by residents over 65 years of age clearly shows that West University Place seniors live in lower priced homes. Ms. Drewes said the City must allow fixed income seniors to remain in their homes despite rising property taxes and values.

John Tainer, 4107 Ruskin, spoke to say that AT&T is developing a building on Academy as a warehouse, which is causing intense truck traffic on neighborhood streets. He said the truck traffic is incompatible with the surrounding single-family homes and said it is a community problem because this is an area heavily used by families. He said having the intense truck traffic may benefit AT&T and increase the value of their land, but it does it by taking away the value of the neighborhood and the single-family homes. He said it is a joke to have single-family zoning when there is intensive truck traffic and his concern is that it won't be a joke to any of the residents when a family is injured or a child is killed by one of those trucks. Mr. Tainer urged Council to take a look at this and think about the whole purpose of zoning, which is to protect families and the community and if zoning can't do this then why have zoning at all.

Robert Grossman, 4103 Ruskin, spoke to say he wanted to be sure that all the councilmembers had the opportunity to read the opinion of the zoning official regarding the use of Ruskin residential lots. He said as a property owner the opinion is really difficult to understand, because it describes concepts and law that can't be found in court records, in the City's zoning ordinances, or in the laws of the state. Mr. Grossman said perhaps there is a basis for the legal concepts put forward, but as a citizen he who would like to dispute the conclusion that the zoning lots are tied to the use of 6707 Academy so that any activity by AT&T that is allowed on 6707 Academy is allowed on Ruskin lots. He said he can't combat that if the zoning official's opinion has no footnote or basis for him to understand the logic of it other than the conceptual idea of time, which he can't find any basis for in law. Mr. Grossman said he also doesn't understand how a property that was residential due to a change in ownership now becomes entirely like commercial, which is the implication of the legal opinion. Mr. Grossman said this has been a battle fought for many years from time to time in West U, because landowners along Bellaire and Kirby have repeatedly at times tried to buy residential property on Cason and streets along Kirby to expand their Kirby properties and expand parking and that has always been fought bitterly and they never succeeded in doing that.

Melissa Pifko, 2812 Nottingham, spoke in favor of the donation of the Hughes property. Being Vice Chair of the Parks Board and having served on the award-winning Parks Master Planning Committee, Ms. Pifko said the Parks Master Plan spoke to the need for a park in exactly the area where the Hughes land is located as well as to the idea of passive green space use for the land. Ms. Pifko said, also, the property is located on a corner lot, which is not addressed specifically in the Master Plan, but it's highly desirable to have a park on a corner lot. She said she believes there is also funding in the donation to develop the property as a passive park as is a requirement of the donation, so she thinks this donation could not have happened at a better time and in a manner that is more consistent with precisely what the Parks Master Plan has called for. She said she wholeheartedly endorses excepting the donation.

Steve Damiani, 4006 Amherst, spoke in favor of the donation of the Hughes property. He said he has lived in the City for about 10 years and he can't think of a more positive news item to be published than the donation of the Hughes property. He said he is a member of the Parks Board and when they heard about this, it was a unanimous agreement from those members in attendance that it will benefit everyone and all property values will be enhanced by this. He encouraged strong support for the donation.

2. Friends Funding of Parks Projects

Matters related to a request to approve acceptance of funding from the Friends of West U Parks Fund, Inc., for various parks projects. *Recommended Action: Approve funding from the Friends of West U Parks Fund, Inc., for various parks projects.*

Parks and Recreation Director O'Connor presented this item and said one of the elements of the long-term planning for the west side of the campus at the West U Recreation Center was to enhance the jogging/walking trail with some anaerobic fitness stations at each of the turns. He said that since this idea was fully embraced by all participants involved, staff thoroughly researched outdoor fitness equipment and determined that the Greenfields equipment line would be best suited for this project. He said on May 11, 2016, the Friends Board reviewed and unanimously approved this funding request and on May 18, 2016, the Parks Board reviewed and unanimously approved the request. Mr. O'Connor said the request is being brought forward for Council approval as per City ordinance.

Mr. O'Connor said Staff recommends that City Council approve the Friends funding of four (4) adult fitness stations to be installed on the perimeter of the walking jogging trail on the west side of the West University Place Recreation Center campus, at a cost not to exceed \$28,000.00 and authorize staff to move forward with preparing construction documents, the construction phase and moving forward with the construction.

Councilmember Turner moved to approve staff's recommendation. Mayor Pro Tem Kelly seconded the motion. **MOTION PASSED.**

Ayes: Sample, Kelly, Reilly, Turner
Noes: None
Absent: Ballanfant

3. Facilities Master Plan

Matters related to the City's Facilities Master Plan, specifically the Library, and other related matters. *Recommended Action: Discuss and take any desired action.*

Owen Rutz, Chair of the Facilities Master Plan Task Force, presented this item and reviewed the recommendations suggested at the May 9, 2016 Council Workshop, which were as follows:

- Retain the Public Works Maintenance and Operations Facilities at their current location on Milton Street.
- Retain the Dincans facility for City use or benefit for the foreseeable future.
- The City should complete improvements to the Library as budgeted in the 2016 Budget, which will allow the City enough time to properly solicit public feedback concerning the future use of the Library, Community Center, and Senior Center.
- The City Council should canvass the West U Community to assess whether the Library, Community Building and Senior Center meet the residents current future needs and wants.
- The City needs to have a plan for acquiring property for use by the City (long-term planning).

Mayor Sample asked Mr. Rutz if the Facilities Master Plan Task Force (Task Force) plans to redline these recommendations and add them to the current Facilities Master Plan (the Plan) and if the Task Force thinks the rest of the Plan is okay. She asked if the Task Force plans to do more work or if these are its final recommendations to add to the Plan.

Mr. Rutz said that is for City Council to decide. He said the Task Force could redo the proposal section of the November 2015 Facilities Master Plan and consolidate their recommendations down to that section of the Plan so their efforts could be officially documented.

Mr. Rutz said if Council wants to do something specifically, it needs to engage the citizens of West U via Town Hall meetings and other public forums to make sure there is a clear understanding of what it is they want.

Mayor Sample said if Council wants to take action on any one of the Task Force's recommendations, she agrees that Council would need to discuss and vet it with the public; but, this

is just a long-term planning project so she feels that surveying the residents at this point would be premature.

Councilmember Turner said from her previous notes there was a time constraint put on Milton, which was not mentioned in this review. She said other than asking the citizenry regarding the reconstruction of, or the creation of, a new Library and Community Center, she doesn't see any other things that would require input from the residents.

Mr. Rutz said looking at the November 2015 Plan there were some recommendations made. He said there seem to be concerns among the citizens of West University Place that there were issues that need to be addressed and it was the Task Force's view that it's difficult to move forward with any specific recommendations without having additional input from the citizens.

Councilmember Turner said the Task Force has made several specific recommendations regarding Milton, Dincans, completing Library improvements and canvassing the residents regarding the Library and the Community Center. She said she sees citizen impact in only one of those situations.

Mayor Sample said when the City wants to purchase lots for parking that's also when citizen input would be necessary.

Mayor Sample said it looks like the Task Force is envisioning a new library now if it wants the residents canvassed.

Mr. Rutz said in the November 2015 Facilities Master Plan there were a series of suggestions that involved doing various things that some West U citizens didn't feel comfortable with, such as moving Public Works facilities to Dincans. He said he doesn't know how broad those feelings are, but a few were very expressive of their opinions regarding that particular issue.

Mayor Sample said the City isn't ready to implement that move right now. She said implementation is one thing and suggesting options ten years down the line, among a bunch of other options, is a different thing. She said resident input will be solicited when the time comes.

Mayor Sample said she is not sure what the Task Force is looking to do now since it appears that Council isn't (or at least she isn't) looking to implement anything.

Mayor Pro Tem Kelly referred to a statement he made at the Council Workshop of May 9, 2016 and he read the excerpt from those Minutes, which stated: *Mayor Kelly said the Task Force did an excellent job and basically is stating that what the City has now works and there is no critical need that needs to be addressed at this time other than what has been budgeted for upgrades to the library. He said he also agrees that now it is time to go the public for their input and once those are received then the City can start developing the options and carrying them out maybe through an election. He said the citizens will either vote it up or down.*

Mayor Pro Tem Kelly said it seems that the Task Force is saying that the current Plan is premised on those recommendations in the current plan and that those recommendations need to be amended. He said by adopting the Task Force's recommendations doesn't mean the City is moving forward on anything, but rather saying that it is maintaining the status quo. He said the City doesn't maintain the status quo under the current Plan, so he thinks Council needs to amend the recommendations and put the recommendations of the Task Force into the 2015 Facilities Master

Plan. He said, also, in light of what is going on, some of the options in the current plan are no longer relevant; for example, the church is now building its facility on Milton Street so any recommendations that considered the Super Block is no longer valid because the church is now building its facility right in the middle of where the "Super Block" was going to be.

Mayor Pro Tem Kelly said what he hears the Task Force saying is nothing needs to be done right now, except for to repair the library if there is a real safety issue and use the \$300,000 that has been budgeted for that project. He said if anything else is to be done it would need to be vetted with the public through Town Hall meetings and focus groups. He said if the public's desire is to build a new structure, Council would need to figure out how much it costs and then take it to the citizens for an election.

Mayor Pro Tem Kelly said he feels Council has to deal with the current Plan, which is why the Task Force was appointed. He said the City can't live with the current Plan in the current format, because it assumes too many things that are no longer relevant for various reasons. He said the Task Force has somewhat recognized that with the changes in its recommendations.

Mr. Rutz said Mayor Pro Tem Kelly did a good job of summarizing the situation. He said the Task Force discussed having a new library, but said the problem is it doesn't know if there's enough West U citizen support for that idea. He said the Task Force will not make that recommendation without knowing that there are enough people out there that would like to see that happen.

Mayor Sample said she is not a big fan of removing options from the Plan. She said leaving options in for future use is prudent and does not tie the hands of future councils to what someone on this Council may have thought was odious.

Mr. Rutz said he believes that most of the Task Force would agree with what Mayor Sample said.

Mayor Pro Tem Kelly said by adopting the Task Force's recommendations and putting them in the Plan does not commit future councils to anything just like this Council isn't committed to anything from the prior council.

Mayor Pro Tem Kelly said as he sees it now, there is a Facilities Master Plan dated November 2015 of which a large part is no longer relevant and the premise is based on recommendations that lead to options. He said the Task Force is only recommending amendments to the Plan, not taking away future options that exist down the road.

Mr. Rutz said the Task Force agrees with what Mayor Pro Tem Kelly is saying, which is why Library improvements are specifically a recommendation. He said there is a differentiation between things that need to be done versus things they would like to do.

Mr. Rutz confirmed with Mayor Sample that the Task Force is not suggesting that any of the options in the Plan be withdrawn. He said the Task Force is looking strictly short-term and said it could update the last section where specific short-term recommendations are made, but leave all the other ideas in the document as is.

Councilmember Reilly asked for the purpose of having a Task Force review the 2015 document. He said that document was exclusively put together by City staff and professional consultants. He said there are a series of recommendations at the beginning of the document so it is important for citizens to decide whether those recommendations are appropriate, which he views as the main

goal of the Task Force. He said he views the recommendations as goals. In one example, Councilmember Reilly said one of the goals stated "The previous plans have recommended future improvements that have not yet been implemented. These include the following: (1) relocation of Public Works Maintenance Facility out of City Center; (2) consolidation of city-owned property in City Center; and (3) expansion of parking in City Center." He said those are goals of the City Facilities Master Plan and one of the most important functions, in his mind, that the Task Force can undertake is to determine the appropriateness of those goals. He said as one is reading the rest of the document, most of the discussion of specific changes to specific buildings is made by reference to the goals, such as building consolidation because of the distance between the Public Works Building and City Hall; therefore, he thinks one of the questions the Task Force needs to think about is whether it is worth spending millions of dollars so that someone doesn't have to walk 100-yards between two buildings.

Councilmember Reilly said he feels it doesn't make sense to retain some of the goals currently listed in the 2015 Plan, because some of them no longer make sense. For example, it doesn't make any sense to retain a series of options for a municipal campus next to City Hall when that Municipal campus was rejected in the last election and now after further study, it seems that the Task Force has decided the City doesn't need a municipal campus. He said if that is not the case and it's not unanimous among the members of the Task Force then let Council know because he would love to hear any differences because it gives Council more information with which to make decisions.

Councilmember Reilly said he doesn't see the recommendations as being the end of the process, so he thinks what Council needs now is for the Task Force to operationalize its recommendations into the Facilities Master Plan so that it makes sense for the future.

Councilmember Reilly said the Facilities Master Plan is important because the City has an opportunity to do some thinking ahead of time so that when opportunities arise in the future, the City can take advantage of those without reinventing the wheel. He said, for example, tonight the City has an opportunity to acquire some parkland and the City has a Parks Master Plan with specific recommendations and criteria for the acquisition of parkland that must followed whenever the City requires parkland. He said the City thought about that beforehand so that now when this opportunity for donated parkland came up, the City can look at the criteria to evaluate. He said he would like to see more of that process for the Municipal Facilities Plan and would like the members of the Task Force to take that opportunity to think ahead of time and create a process.

Councilmember Reilly said it was surprising to him that the Task Force recommended leaving the Dincans property recommendation as is. He said he is not sure that Council is better real estate evaluators than the real estate agents, so when the Task Force says to leave it as is as a future investment, what it is really saying is the Task Force thinks it is going to appreciate more than anybody else thinks it will, otherwise the City would try to monetize it to some extent now instead of sitting on an piece of empty land. He said it could be that it is the right conclusion, but he would want more process and thinking about that as well as potential uses, because if the potential uses aren't there it doesn't make sense to hold on to it because it costs the City and the citizens money.

Councilmember Reilly said he doesn't know if the Task Force discussed these things and is just not there yet because it is an early draft or if it is something the Task Force doesn't want to do.

Mr. Rutz said the Task Force discussed these things, but it thought it was premature to address them at this particular point. He said they are looking for feedback and guidance from Council as to

what the next steps should be. He said the Task Force was given a scope, but wasn't told what it should do within that scope.

Councilmember Reilly said what it looks like the Task Force has decided that what it has done runs counter to what is in much of the document, so it needs to be written to take into account their recommendations and flush out more of the process. He said citizen input has been missing as to whether these goals are appropriate and if the process is appropriate.

Mr. Rutz said that is the kind of information the Task Force can move forward on. He said it is a matter of needs versus wants. He said they never got to what would be nice for the City to have. He said they just looked at whether there was any emergency or anything that needed immediate attention and then they stopped at that point.

Mr. Rutz said the one thing the Task Force did say was that the City needs a plan for acquisition of property, because opportunities come and then they won't be there in the future; so, the last recommendation alludes to that.

Councilmember Turner said she would like the recommendation for acquiring property to be a little more specific about what the objective is.

Mayor Sample said the City will have obtained a structural assessments in approximately 6 months, which may be helpful to the Task Force in their deliberations, because discussion of some of these things may be premature.

Councilmember Reilly said one of the things he was hoping to get out of the process was some different opinions and so Task Force member Eddie Matthews came forward to speak.

Mr. Matthews spoke to say that he supports Mr. Rutz's views that the Task Force is in agreement with all of the recommendations. He said he wanted to address a couple points that were made tonight. He said the first referred to an inquiry made by Councilmember Turner concerning the 10-year timeframe. He said the 10-year timeframe was discussed because the original Master Plan was meant to cover, to the Task Force's understanding, the next 10 years, so they weren't looking 20 or 30 years down the road. Councilmember Reilly said if that is their assumption, he asked that they make that explicitly known, because that would be valuable.

Mr. Matthews said the reason the Task Force did not make any reference to the municipal campus was because (1) it is off the table; and (2) in his mind it wasn't a part of their scope.

Councilmember Reilly said the municipal campus was depicted in the current Plan as being something that potentially holds the buildings that the Task Force was asked to look at and so to the extent that the Task Force doesn't view the need for those buildings to be connected to the existing City Center long-term is something that would be important to the document.

Regarding Dincans, Mr. Matthews said that it might be monetized through a long-term lease, but he thinks it is better for staff to handle this for two reasons: (1) he doesn't think Council would want individual citizens or groups of citizens going out to real estate agents, which is what would have to be done; and (2) the City already has a relationship with a real estate firm.

Councilmember Reilly said he agrees that ultimately that would be handled through the City staff, but he would like to see the Task Force look at whether it makes sense from a citizen's perspective

for this Master Plan to contemplate that the City look at a long-term lease for the potential use of that property.

City Manager Peifer said with long-term leases on city-owned property, the City can't exceed 15 years because it then becomes a de facto purchase and would have to go out for open bids. City Attorney Petrov said it's not a cut and dried rule, but anything above the 15-year range is tantamount to a purchase or a sale and would have to follow the competitive bidding requirements.

Councilmember Reilly confirmed with City Attorney Petrov that if the City did follow the competitive bidding process, it could exceed a 15-year lease or greater..

Mayor Pro Tem Kelly said he would like to add to the recommendation section of the Plan that "this Council saw the need to appoint a citizen Task Force and got citizen input from a cross-section of the community." He said it is a small percentage of the total population of the City, but it is more than there was for the current Plan. He said this Council has now instituted a process and the recommendation would show that this Council took it upon itself to institute a public input process and appointed a Task Force and in a broad sense Council adopted their recommendations. He said then the recommendations and the names of the Task Force members can be listed, too. Mayor Pro Tem Kelly said the bottom line he hopes would come out of reading those recommendations is that in the final analysis more public input is needed. He said if the City is going to go forward, it will have citizen input via focus groups and town hall meetings and whatever it takes to get the information out to the citizens and then if it turns out that a significant amount of money needs to be spent then Council will take it to the public for a vote.

Mayor Pro Tem Kelly said to leave the November 2015 Plan as it stands now is an embarrassment to the City, which is why the document needs to be amended, if nothing else to include the Task Force recommendations and showing the process.

Mayor Pro Tem Kelly said when the structural assessments are received and Council believes that the Library is a safety matter then the City needs to go ahead and spend the funds that are budgeted and get it done.

In response to Councilmember Turner's question as to when the structural assessment will be finalized, Mr. Beach responded 2 ½ to 4 months.

Councilmember Turner said she feels pretty strongly that if Council is going to be waiting another four months or so to get the building assessment information, she wonders if Council can carve out the Library project and get going on it.

Councilmember Reilly said Council has not seen a staff presentation on each specific item. He said he thinks if there is going to be a motion to approve renovating the library it should come as part of a separate agenda item and staff should lay out exactly what will be done.

Councilmember Turner asked the City Manager if the library improvements can be on the next agenda. City Manager Peifer said yes.

Councilmember Reilly informed the Task Force that it is his hope that the members will review the recommendations based on input received tonight then over the next three months, while waiting on the assessment reports, think about the specific changes that they would make to the current

Master Plan. He also asked that the Task Force think about the criteria for future development and future acquisition and about documenting the process as was done in the Parks Master Plan.

Mr. Rutz said the Task Force has several ideas in mind, one being to work with PGAL to update the last section of the Plan and make sure the Task Force understands all of the ramifications and then come up with a draft and submit it to Council for review.

Councilmember Reilly reiterated to the Task Force that it can't just do the last section without also touching on the goals to decide whether they are appropriate.

Mayor Pro Tem Kelly moved that the Council accept the recommendation that the Facilities Master Plan Task Force has presented, direct the City Manager to have the staff, in conjunction with working with the Task Force, consult with the consultant and update the November 2015 Master Plan to incorporate those accepted recommendations as mentioned hereto. Councilmember Reilly seconded the motion.

Councilmember Reilly said he understands the motion, but he would like to see more flesh on some of the recommendations, in particular the last one about acquiring property. He said to him it doesn't say the purpose for the acquisition and he is not sure that the City needs an open-ended recommendation to purchase property in the Master Plan. He said there is too much room for mischief for future councils.

Councilmember Turner said she is not against Mayor Pro Tem Kelly's motion, although she would still like to carve the library project out.

Councilmember Reilly asked what it means to "accept" the recommendations as stated in Mayor Pro Tem Kelly's motion.

Mayor Pro Tem Kelly said it is a matter of principles and guidance and that nothing is set in concrete.

Councilmember Reilly moved to amend the motion so that Council is directing City staff to work with the Maser Planning Task Force and appropriate consultants to update the November 2015 Facilities Master Plan to incorporate the draft recommendations made this evening, along with such additional clarifications to take into account the input received tonight from Council. Mayor Pro Tem Kelly seconded the motion. **MOTION PASSED.**

Ayes: Sample, Kelly, Reilly, Turner
Noes: None
Absent: Ballanfant

4. **Houston Coalition of Cities Resolution**

Matters related to consideration and action on adoption of a resolution joining the Houston Coalition of Cities. *Recommended Action: Approve resolution.*

Mayor Sample presented and said on April 24, 2016, CenterPoint filed an application for approval of a Distribution Cost Recovery Factor with the City. She said CenterPoint argues that their increase is necessary to cover capital costs that they were unable to capture in their prior base rate increase. She said if the request is approved, it appears the average residential customer using 1,000

kilowatt hours per month would experience an average increase of .87 per month during the period September 2, 2016 to August 31, 2017 and \$1.07 increase per month thereafter.

Mayor Sample said it is being recommended that Council deny the request and force CenterPoint to justify the proposal to the PUC or negotiate a compromise with the City.

City Manager Peifer said that Council is being asked to (1) pass a resolution to join the Houston Coalition of cities and (2) approve an ordinance (next Agenda item) denying CenterPoint's application.

Councilmember Reilly asked if staff has been able to review the consultant's report noted in the preamble in the resolution and, if so, does staff agree with it. City Attorney Petrov said he has not reviewed the report, but since the coalition is spearheaded by the City of Houston it hires the consultants to do the rate analysis and pays those costs so we are just riding on their coat tails. City Manager Peifer said the report is very preliminary and is a very detailed specialty. He said as much as he understands, he doesn't have a problem with the report and agrees with the summary.

Councilmember Reilly said he would like to hear from CenterPoint as to whether they have a contrary view of what the City is doing.

Paul Wilson, Services Area Director for CenterPoint, spoke to say he doesn't have a contrary point of view. He said CenterPoint wants to support Council and the City so he suggests that Council do whatever it thinks is in the best interest of the citizens of West University Place. He said he feels like the merits of the case will be vetted fully at the PUC and there is really a safe harbor for the City either way.

Councilmember Reilly moved to adopt the resolution to rejoin the Houston Coalition of Cities for purposes of protesting the CenterPoint application to amend its Distribution Cost Recovery Factor. Councilmember Turner seconded the motion. **MOTION PASSED.**

Ayes: Sample, Kelly, Reilly, Turner
Noes: None
Absent: Ballanfant

5. Ordinance Denying CenterPoint's Application for Cost Recovery Factor

Matters related to adoption of an ordinance denying the CenterPoint Energy's application to amend its Distribution Cost Recovery Factor.

Mayor Pro Tem Kelly moved to approve the ordinance denying the CenterPoint application to amend its Distribution Cost Recovery Factor. Councilmember Reilly seconded the motion. **MOTION PASSED.**

Ayes: Sample, Kelly, Reilly, Turner
Noes: None
Absent: Ballanfant

6. Accept Donation and Authorize Execution of a Donation Agreement

Matters related to Council approving accepting of a donation and further authorizing the Mayor to execute the Donation Agreement between the City of West University Place and the Estate of

James M. Hughes. *Recommended Action: Accept the donation and authorize the mayor to execute the Donation Agreement between the City of West University Place and the estate of James M. Hughes.*

Mayor Sample presented and said this item comes to Council from a recent generous offer from long-time resident James Hughes who was recently deceased. She said over a year ago a relative and future executor of Mr. Hughes' estate approached the City to explore carrying out Mr. Hughes' final wish that the City receive his life-long home, a 15,000-square-foot corner lot on which it sits and \$200,000 in funding for development of that area into a passive park. She said the location, timing and purpose could not have been executed more perfectly than if it had been planned.

Mayor Sample said the property sits at 6446 Sewanee Street and sits squarely within the area recommended by the 2015 Parks Master Plan as the area in which to pursue additional property as passive, unstructured open-space for the citizens of West U. She said the reason this area was highlighted as the area in which park acquisition should occur is that the area between Buffalo Speedway and Edloe Poor Farm Ditch remain the largest area that does not have a park within a half-mile effective walking radius for residents. She said prior park master plans, as well as the current survey and plan, indicate that it is vitally important to West U residents that they are able to walk safely to City parks.

Mayor Sample said the other major point highlighted by the Parks Master Plan is that this acquisition should be done with no increase to tax revenue. She said this park would be acquired at no cost to the taxpayer and its development would be almost fully funded by the donor.

Mayor Sample said she recommends approval to accept this donation as soon as possible to avoid problems with a protracted timeline and to make the process for the donor as painless as possible.

At this time Council heard from the public who had deferred their comments until this time.

John Old, 6422 Sewanee, spoke to say that he was on the Parks Master Plan Task Force and said this property ideally fits the guidelines set forward in the Plan. He said it is a beautiful lot and his wife also supports this idea and he encouraged Council to proceed with getting the agreement signed.

Dick Yehle, 6401 Rutgers, spoke to say that as it has been said, one could not have written the script of the Parks Master Plan more precisely for the elements that this park brings to the City. He said the location, the size, the corner lot, etc., is just what the City would look for if it was looking to purchase property. He said one of the things the Master Plan was less specific on was how it would be used. Mr. Yehle said he understands the donor of this park requested that it be a passive or quiet park, which means it won't have a basketball court, swimming pool or basketball court, so he recommends that Council finalize the acceptance of the donation, but asks that Council consider getting dispensation for sort of a small playground facility so that it becomes an attractive place for people to go and not just be a piece of grass.

Roger Zink, 6527 Sewanee, spoke to say he lives about 4 houses south and across the street from the property and said he has lived in the area for over 25 years and over those years he has seen the small lots disappear and big houses appear, which means lots of pavement and loss of green space. He said he just assumed that was the future of the neighborhood. Mr. Zink said Council has a unique opportunity to change that in the stroke of a pen. He said the proposed park fits economically, it fits the criteria of the Parks Master Plan and it adds back green space that has been lost over the years. He encouraged Council to approve to move forward.

City Secretary Gilliam read the following emails into record:

Joni Hruska Fichter, 3733 Arnold, wrote "what a blessing to have another park (named in honor of this wonderful man/family)."

Wayne Franklin, resident at 4107 Dartmouth and member of the West U Parks Board, wrote "I cannot attend the City Council meeting tonight, but I would to show my support for the City of West U to take ownership of the land up for a vote, for park use. I think the City of West U should accept this generous donation."

Kevin S. Boyle, Sr., 6425 Virginia Court, wrote "As chair of the Parks and Recreation Department Board, I wanted to express my sincere gratitude to the very generous Mr. Hughes and encourage the City to accept this gift. As the property is in an area identified as underserved by the Parks Master Plan and the passive use consistent with the voice of the residents, this a true win-win."

Kaam Sahely, 6337 Sewanee, wrote "Amy and I are West U residents at 6337 Sewanee, approximately 1.5 blocks from the proposed new park (Hughes Park on the corner of Sewanee Avenue and Pittsburg Streets at 6446 Sewanee St) that I understand you are discussing tonight. We have three small boys. We would be very much in favor of a small park with lots of grass for the kids in the area. I sincerely hope that this unique opportunity does not get derailed by concerns over parking or other issues. The reality is this park would be overwhelmingly used by the kids (and families) in the immediately surrounding area and I don't believe it would attract much car traffic. We might need more stop signs on the street but that may be it. We think that most of the residents on the four streets in this area would agree with our views."

Mark Prescott, 2906 Nottingham, wrote "It is my understanding that Council meets tonight to vote on formally accepting the land donation which will become Hughes Park, and I am writing to express my support. Having served as a task force member for the recent Parks and Open Space Master Plan, it is my personal belief that Hughes Park will satisfy the City's need for unstructured green space. And as a Parks Board member and the Chair of Friends of West University Parks, I very much look forward to working with the City and Parks Staff on this project. We are incredibly fortunate."

Joan Johnson, 6615 West Point, wrote "I cannot attend tonight's Council Meeting, but request that my comments from this email be included in the minutes of Monday night's meeting. I ask Council to accept the generous offer of Jim Hughes Estate to provide a Park in West University Place. This piece of land is within the perimeters laid out by the Parks Master Plan and would greatly improve the quality of life for residents in this area of the City. I support a vote to accept this generous offer to the City."

There were no more comments from the public or emails to be read by City Secretary Gilliam.

Parks and Recreation Director O'Connor spoke to say it is an extremely exciting opportunity to have another park to develop and agrees that it was like the Master Plan was written for this particular donation.

Councilmember Reilly asked Mr. O'Connor if the immediate neighbors were contacted to get their input upon acceptance of this donation. He said what the Master Plan contemplates is that when the City acquires new parkland it will address neighbor support.

Councilmember Turner said if the City was going out to acquire property then that's when neighborhood discussion really kicks in, but this is a gift of 15,000 square-feet of land that can't be picked up and moved anywhere. She said staff can certainly talk to the neighbors about it, but she is not willing to walk away from the donation if they're not thrilled.

Councilmember Reilly said he agrees that it is an amazing gift, but in order to honor the man and his mother in accepting it, he wants to be sure that the City will vote to have this become a park and in order for it to become a park it has to be specifically approved and one of the criteria is to talk to the neighbors.

Mr. O'Connor said staff has not talked to the immediate neighbors. He said staff has known about the possibility of the donation for some time, but it wasn't until last Thursday evening that the executors of the Hughes estate asked to meet with Mayor Sample, the City Attorney, the City Manager and himself for a discussion and walk-through of the property. He said this is a donation as opposed to an acquisition and he thinks four of the speakers this evening are immediate neighbors.

Councilmember Reilly said the right way to do this would have been for the Parks Board to do its due diligence, vote to approve it and then Council would consider the recommendation from the Parks Board to approve accepting the property.

Councilmember Turner mentioned that there is a timeline that the City is working against.

City Attorney Petrov stated that the structure (house) and the contents go to the City, but if the City decides not to use the structure then the contents revert to St. Vincent de Paul and so the donors wanted to know pretty quickly if the City wanted to keep the house and the contents or if they should call St. Vincent de Paul to come and clean it out.

Mr. Petrov said according to the will, the City has two years to develop the land as a park, so the idea was within that 2-year period a committee would be formed to determine exactly how the development what would happen.

In response to Councilmember's Reilly's question as to the timing to accept the property and fixtures, Mayor Sample said it is 90 days after taking possession of the property.

Councilmember Reilly said then there is no urgency and this can be put off for two weeks from today so that the Parks Board can get the neighbors input. He said the neighbors shouldn't find out about this because it is put on a Council agenda at 5:00 p.m. on a Friday. He said they should find out about it when they get a knock on the door from the members of the Parks Board or the City staff. He said the neighbors input might be rejected, but it should at least be heard.

Councilmember Turner said it has been published in Instant News and it will probably be in the Village News tomorrow. She said it would also be inappropriate to canvass the neighbors during the summer because essentially no one is home.

Roger Zink spoke again to say that the 45 years he has lived in the area there were no kids and now the whole block is full of them. He said kids are playing in the streets and in the yards because there is nowhere else for them to play. He said he would bet Council that the community will be overwhelmingly supportive because of the nature of the change in that part of the community. He

said he feels the urgency because the opportunity is here and said he feels that the proper way to handle this is to go ahead and approve it and involve the community in the design within the parameters of the donation.

Dorothy Zink, 6527 Sewanee, spoke to say that she has talked to a lot of people about it and said the donor's cousin lives across the street from the property. She said this is a win-win for the City.

Lyn Old, 6422 Sewanee, spoke to say there are 20-40 kids on the block playing in the streets. She said she believes the demographics in the area would support the park with open hands and she thinks it would be a wonderful place. She said the property has been so well cared for and the trees are magnificent and so the City would be good stewards to preserve it.

Mayor Pro Tem Kelly said it seems that this donation meets all the requirements of the Parks Master Plan and though the process is not followed the way it normally is, if there was any opposition to this he believes Council would have already heard about it – even though it was just published on Friday. He said this seems to have so much going on for it that none of the neighbors that Council knows of has stood up and objected to it.

Councilmember Reilly said he wants to honor this gift so if Council accepts this tonight and tomorrow when people read about it in the newspaper and they do start the picketing and the screaming and the yelling is Council going to back down from designating this as a park? He said probably not, but why not do the little bit of extra work and get the neighbors input, especially since there is no urgency.

Mayor Sample said having to think about accepting the gift is a blow to the donors and they can take back their offer and take a trip around the world. She recommended closing the deal.

Mayor Pro Tem Kelly moved to accept the very generous and heartwarming offer to the City of the donated property on the corner of Sewanee and Pittsburg and authorize the Mayor to enter into, and sign on behalf the City of West University Place, the donation agreement between the City of West University Place, Texas and the estate of James Hughes. Councilmember Turner seconded the motion.

Mayor Pro Tem Kelly said he would really like to have this park developed and used before this Council leaves office. Mr. O'Connor said completion of the park is doable within a year if it's a passive park.

Councilmember Reilly said he is all in favor of accepting this donation and thinks it is fantastic for the City, but he doesn't like the process and thinks that it should have gone to the Parks Board first. He said he will vote for it because he believes it is the right thing to do, but feels the City should have gotten the neighbors input first and said he will go talk to them himself and if it is appropriate will move for a motion to reconsider to give them an opportunity to be heard. He said to be heard is powerful and Council should always be mindful of that when taking actions.

At this time, a vote was made on the motion. **MOTION PASSED.**

Ayes:	Sample, Kelly, Reilly, Turner
Noes:	None
Absent:	Ballanfant

7. Possible Changes in Council Meeting Dates During Summer Months

Matters related to possible changes in Council meeting dates due to Council summer schedules.
Recommended Action: Discuss and take any desired action.

After discussion, Councilmember Reilly moved to move the City Council meeting from August 22, 2016 to August 29, 2016 to accommodate the two members who would be absent from the August 22, 2016 meeting. Mayor Pro Tem Kelly seconded the motion.

Mayor Sample said it is a bad precedent to set and it will become a mess if Council tries to reschedule its meetings around everyone's vacation, so she is for keeping it as is and schedule vacations around the meetings or just accept the fact that certain members won't be at certain meetings.

A vote was made on the motion. **MOTION FAILED.**

Ayes: Kelly, Reilly
Noes: Sample, Turner
Absent: Ballanfant

8. Future Agenda Items

Matters related to future agenda items. *Recommended Action: Discuss and take any desired action.*
City Council [see Future Agenda Items List]

Councilmember Reilly requested that discussion to reschedule summer meetings be added to the next agenda. Councilmember Kelly seconded the request. City Secretary Gilliam will add it to the next meeting agenda.

9. Consent Agenda

All Consent Agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council member requests in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

A. City Council Meeting Minutes

Approve City Council Minutes of the May 9, 2016. *Recommended Action: Approve Minutes.*

Councilmember Reilly removed the May 9, 2016 City Council Minutes from the Consent Agenda to correct an error on Page 3, in the fifth paragraph. He said there is a reference to Ruffino Hills that is not correct. The reference to Ruffino Hills should be the Brays Bayou Wastewater Treatment Plant.

City Secretary Gilliam will make the correction and add the revised May 9, 2016 Minutes to the next agenda for approval.

10. Adjourn

With no further discussion, Councilmember Turner moved to adjourn the meeting at 8:50 p.m. Mayor Pro Tem Kelly seconded the motion. **MOTION PASSED.**

Ayes: Sample, Kelly, Reilly, Turner
Noes: None

Absent: Ballanfant

Prepared By:

Thelma A. Gilliam, City Secretary

Date Approved

DRAFT

AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF WEST UNIVERSITY PLACE, TEXAS

AGENDA OF:	June 13, 2016	AGENDA ITEM:	5B
DATE SUBMITTED:	June 7, 2016	DEPARTMENT:	Parks and Recreation
PREPARED BY:	Thelma Gilliam City Secretary	PRESENTER:	Tim O'Connor, Parks and Recreation Director
SUBJECT:	Resolution Appointing Mitra Woody to Friends of West University Parks Fund		
ATTACHMENTS:	1. Application for Mitra Woody 2. Resolution		
EXPENDITURE REQUIRED:	N/A		
AMOUNT BUDGETED:	N/A		
ACCOUNT NO.:	N/A		
ADDITIONAL APPROPRIATION REQUIRED:	N/A		
ACCOUNT NO.:	N/A		

EXECUTIVE SUMMARY

The Friends of West University Parks (Friends) is requesting approval of a resolution appointing Mitra Woody to its Board of Directors (Board). An opening on the Board exists due to resignation of one of its members.

Friends Executive Director Donna LaMond and Chair Mark Prescott recommend the appointment of Ms. Woody as she has already been heavily involved with Friends and has been a tremendous asset.

RECOMMENDATION

Staff recommends Council approve the resolution appointing Mitra Woody to Position 18 of the Friends Board of Directors for a term ending August 31, 2018.

CITY OF WEST UNIVERSITY PLACE

May 6, 2016

Board and Committee Membership Application

Name: Mitra Woody Office Phone: _____

Home Address: 2708 Quenby Ave Cell Phone: 210.852.5376

Email Address: _____ Home Phone: 832.516.7688

Employed By/Retired From: stay at home mom (attorney)
(Please Circle One)

Spouses Name: Josh Woody
(Please Circle One)

Employed By/Retired From: orthopedic surgeon with Fendren Orthopedics
(Please Circle One)

Education: JD from UT Law ('05) BA in Biology and History Trinity University ('02)

Background, Experience, Special Talents, etc. 2016, PLB decur chair, 2017 PLB decur chair, auction chair (14+15) for Whites in the Schools (WITS), attorney, planning and organizing

Previous Board or Committee Experience: WITS: board member since 2014 and executive committee since 2015; The Junior League of Houston: 2016-2017 board member

Specific Board or Committee Applied for: Friends of West University Place Parks Board

If no Specific Board or Committee, Area of Interest: _____

Why are you interested in this board, committee or area of service? I have lived in West U for 5 years, and our parks have been a big part of my family's time here.

Supporting our parks is important to me, and I look forward to serving our community.

Limitations on Availability: Daytime is preferable

References (optional): Michele Marvin and Judy Cheng

FOR CITY USE ONLY:

Date Interviewed: _____

Qualified for (1): _____

Qualified for (2): _____

City of West University Place
Harris County, Texas

RESOLUTION NUMBER XXXX-XX

A RESOLUTION APPOINTING MITRA WOODY TO THE BOARD OF THE FRIENDS OF WEST UNIVERSITY PARKS FUND, A NON-PROFIT CORPORATION

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE:

Section 1. That the following person is appointed to serve as a member on the Board of the Friends of West University Parks Fund, a non-profit corporation, for the specific term of the specific position indicated below:

<u>APPOINTEE/REAPPOINTEE</u>	<u>EFFECTIVE DATE</u>	<u>POSITION</u>	<u>TERM ENDING</u>
Mitra Woody	June 13, 2016	Position 18	August 31, 2018

Section 2. All resolutions and parts of resolutions in conflict herewith are hereby repealed to the extent of the conflicts only.

Section 3. If any word, phrase, clause, sentence, paragraph, section or other part of this resolution or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this resolution and the application of such word, phrase, clause, sentence, paragraph, section or other part of this resolution to any other persons or circumstances shall not be affected thereby.

Section 4. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this resolution was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

PASSED AND APPROVED this _____ day of _____, 2016.

ATTEST:

SIGNED:

Thelma A. Lenz, City Secretary

Susan Sample, Mayor

(SEAL)

RECOMMENDED BY:

APPROVED AS TO FORM:

M. Chris Peifer, City Manager

Alan Petrov, City Attorney

AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF WEST UNIVERSITY PLACE, TEXAS

AGENDA OF:	June 13, 2016	AGENDA ITEM:	5C
DATE SUBMITTED:	May 31, 2016	DEPARTMENT:	Fire Department
PREPARED BY:	Aaron Taylor, Fire Chief / EMC	PRESENTER:	Aaron Taylor, Fire Chief / EMC
SUBJECT:	Gulf Coast State Planning Mutual Aid Agreement		
ATTACHMENTS:	Gulf Coast State Planning Mutual Aid Agreement		
EXPENDITURE REQUIRED:	N/A		
AMOUNT BUDGETED:	N/A		
ACCOUNT NO.:	N/A		
ADDITIONAL APPROPRIATION REQUIRED:	N/A		
ACCOUNT NO.:	N/A		

EXECUTIVE SUMMARY

In 2003, the counties in the HGAC region signed off on a Regional Mutual Aid Agreement that allowed resources to be shared between the counties during a disaster. Since that time, there have been several disasters including Hurricanes Katrina, Rita and Ike. Lessons learned from those disasters indicated that changes needed to be made in the Region's Mutual Aid Agreement to ensure that FEMA would honor requests for reimbursement.

The HGAC Regional Homeland Security Coordinating Committee took on the task of revising the regional mutual aid agreement to accomplish these goals. The new mutual aid agreement better addresses reimbursement issues raised by FEMA. It also provides financial protection to both the requesting and the responding jurisdictions during a major disaster. This agreement recognizes the vulnerability of the people and communities located in the region to damage, injury, and loss of life and property resulting from emergencies which may present equipment and manpower requirements beyond the capacity of each individual community. The Mutual Aid Agreement will allow for better coordination of effort, provide that adequate equipment is available, and help ensure that Mutual Aid is accomplished in the minimum time possible. Mutual Aid will be consistent with the mutual aid plans developed and approved by the respective jurisdictions.

RECOMMENDATION

Staff recommends adoption by resolution of this Mutual Aid Agreement with the Gulf Coast State Planning Region and HGAC which will secure the benefits of Mutual Aid and protection of life and property in the event of a disaster.

GULF COAST STATE PLANNING REGION MUTUAL AID AGREEMENT

State of Texas §
County of _____ §

This Mutual Aid Agreement (the "Agreement") is entered into by, between, and among local government entities wholly or partially within the Gulf Coast State Planning Region (the "Region"), as defined in the By-Laws of the Houston-Galveston Area Council, that by their signatures on duplicate original copies of this Agreement have consented to the terms of this Agreement (individually, a "Party", and collectively, the "Parties").

WHEREAS, the Parties recognize the vulnerability of the people and communities located in the Region to damage, injury, and loss of life and property resulting from Emergencies and recognize that Emergencies may present equipment and manpower requirements beyond the capacity of each individual Party; and,

WHEREAS, the Parties to this Agreement recognize that in the past Mutual Aid has been provided between or among the Parties in the form of personnel, equipment, and other resources during Emergencies and to help with recovery; and,

WHEREAS, the governing officials of the Parties desire to secure for each Party the benefits of Mutual Aid and protection of life and property in the event of an Emergency; and,

WHEREAS, the Parties wish to make suitable arrangements for furnishing Mutual Aid in coping with Emergencies and are so authorized and make this Agreement pursuant to Chapter 791 of the Texas Government Code (Interlocal Cooperation Act), Chapter 418 of the Texas Government Code (Texas Disaster Act of 1975), Chapter 421 of the Texas Government Code (Homeland Security), and Chapter 362 of the Local Government Code; and,

WHEREAS, the Parties recognize that a formal agreement for Mutual Aid would allow for better coordination of effort, provide that adequate equipment is available, and help ensure that Mutual Aid is accomplished in the minimum time possible and desire to enter into this Agreement to provide Mutual Aid consistent with the mutual aid plans developed by the respective jurisdictions and approved by the governing bodies of the jurisdictions.

NOW, THEREFORE, the Parties agree as follows:

Terms

1. RECITALS

The recitals set forth above are true and correct.

2. DEFINITIONS

For purposes of this Agreement, the terms listed below shall have the following meanings:

- a. Agreement – this Gulf Coast State Planning Region Mutual Aid Agreement.
- b. Emergency – Any incident, whether natural or human-caused, that requires responsive action to protect life and property.
- c. Mutual Aid – a homeland security activity, such as an activity related to the prevention or discovery of, response to, or recovery from a terrorist attack, natural or man-made disaster, hostile military or paramilitary action, or extraordinary law enforcement emergency and also includes personnel, equipment, and other resources.
- d. NIMS – the National Incident Management System.
- e. The Plan – The Regional Catastrophic Coordinating Plan (RCCP), adopted by the Board of Directors of the Houston-Galveston Area Council on December 21, 2010, as amended. The RCCP outlines the coordinating of emergency management resources during emergencies involving multiple jurisdictions.
- f. Point of Contact – the individual or individuals authorized by the governing body of each Party to request or respond to a request for Mutual Aid on behalf of the Party. A Party's Emergency Management Director or Chief Executive Officer is always a Point of Contact, in addition to those designated as the Point of Contact.
- g. Regional Homeland Security Coordinating Council. The advisory committee created by the Board of Directors of the H-GAC to assist and advise elected officials in their decision-making responsibilities on matters related to regional homeland security (hereinafter, "RHSCC")
- h. Requesting Party – the Party requesting Mutual Aid under this Agreement.
- i. Responding Party – the Party providing Mutual Aid assistance under this Agreement.

3. ADMINISTRATIVE AGENCY

The Parties hereby designate the Houston-Galveston Area Council, (hereinafter, "H-GAC") to be the Administrative Agency under this Agreement. H-GAC shall be responsible for maintaining and distributing current Point of Contact information to all Parties. H-GAC is also responsible for maintaining duplicate or

certified copies of the original signature pages of the Parties to this Agreement. H-GAC is not a signatory to the Agreement, and is not bound by any provision contained herein that is not directly related to the duties of the Administrative Agency.

4. POINT OF CONTACT DESIGNATION

Each party shall provide the Administrative Agency with written protocol by which its' designated Point of Contact may be contacted twenty-four hours a day, seven days a week. This protocol shall designate, by name or position, the person or persons authorized to request or respond to a request for Mutual Aid on behalf of a Party under this Agreement. Each Party must notify the Administrative Agency in writing of any change in its Point of Contact protocol as soon as practicable.

5. ACTIVATION OF AGREEMENT

This Agreement is activated when a request is made for mutual aid assistance. The request shall be documented by the Requesting Party and forwarded to each Party from whom assistance is sought.

6. INITIATION OF REQUEST

A request under this Agreement may be made by a Point of Contact after one of the following occurs:

- a. After a declaration of a local state of Disaster pursuant to Chapter 418 of the Texas Government Code, as amended; or,
- b. After a finding of an Emergency as defined in this Agreement.

7. PROCEDURES FOR REQUESTS

Subject to the conditions in this Section, a Point of Contact may request Mutual Aid assistance by: (1) submitting a written request for assistance to a Point of Contact of a Responding Party, or (2) orally communicating a request for Mutual Aid assistance to a Point of Contact of a Responding Party, which shall be followed up by written documentation.

- a. The written request shall state that the request is made pursuant to this Agreement.
- b. Mutual aid shall not be requested by a Party unless it is directly related to the Emergency and resources available from the normal responding agencies to the stricken area are deemed to be inadequate, or are predicted to be expended prior to the resolution of the Emergency.
- c. All requests for Mutual Aid shall be transmitted by a Point of Contact of the Requesting Party to a Point of Contact of the Responding Party or in accordance with the terms of the Plan.
- d. Each request for assistance shall be accompanied by the following information, to the extent known:

- i. A general description of the Emergency and the damage or injury sustained or threatened;
- ii. Identification of the general emergency service function or functions for which assistance is needed (e.g. fire, law enforcement, emergency medical, search and rescue, transportation, communications, public works and engineering, building, inspection, planning and information assistance, mass care, resource support, health and other medical services, etc.) and the particular type of assistance needed;
- iii. The amount and type of personnel, equipment, and other resources needed and a reasonable estimate of the length of time that each will be needed;
- iv. The location(s) to which the resources are to be dispatched and the specific time by which the resources are needed; and,
- v. The name and contact information of a representative of the Requesting Party, if available, to meet the personnel and equipment of any Responding Party at each location to which resources are dispatched.

8. THE PROVISION OF MUTUAL AID

Subject to the conditions of this Section, upon request of the Requesting Party, each Party hereto shall furnish Mutual Aid in coping with an Emergency.

- a. Assessment of Availability of Resources and Ability to Render Assistance.
When contacted by a Requesting Party, a Point of Contact of the Party from which aid is requested agrees to assess local resources to determine availability of personnel, equipment and other assistance to respond to the request. A Responding Party is not required to provide Mutual Aid assistance unless the Responding Party determines that the Responding Party has sufficient resources to provide assistance, based on current or anticipated events in its jurisdiction.
- b. Information Required of the Responding Party.
A Point of Contact who determines that the Responding Party has available personnel, equipment, and other resources, shall so notify the Requesting Party and provide the following information, to the extent known:
 - i. A complete description of the personnel and their expertise and capabilities, equipment, and other resources to be furnished to the Requesting Party;
 - ii. The estimated length of time that the personnel, equipment, and other resources will be available;

- iii. The name of the person or persons to be designated as supervisory personnel; and,
 - iv. The estimated time of arrival for provided assistance to arrive at the designated location(s).
- c. Supervision and Control.
When providing assistance under the terms of this Agreement, the response effort must be organized and function in accordance with NIMS guidelines. The personnel, equipment, and resources of a Responding Party being used in the response effort will be under the operational control of the Requesting Party. Direct supervision and control of personnel, equipment and resources, as well as personnel accountability, shall remain the responsibility of the designated supervisory personnel of the Responding Party. Emergency Medical Services organizations providing assistance under this Agreement will utilize medical protocols authorized by their medical director. The designated supervisory personnel of the Responding Party shall: maintain daily personnel time records, material records and a log of equipment hours; be responsible for the operation and maintenance of the equipment and other resources furnished by the Responding Party; and, report work progress to the Requesting Party.
- d. The Plan.
Each Party hereto certifies that it will provide Mutual Aid assistance under this Agreement in accordance with the Plan.
- e. Food, Housing, and Self-Sufficiency.
The Requesting Party shall have the responsibility of providing food and housing for the personnel of the Responding Party from the time of their arrival at the designated location(s) to the time of their departure. However, Responding Party personnel and equipment should be, to the greatest extent possible, self-sufficient while working in the Emergency area. The Requesting Party may limit its request for assistance to only self-sufficient personnel and resources in its request for assistance.
- f. Rights and Privileges.
Personnel who are assigned, designated or ordered by their Party's governing body to perform duties pursuant to this Agreement shall continue to receive the same wages, salary, pension and other compensation including injury or death benefits, disability payments, and workers' compensation benefits, for the performance of those duties as though the services had been rendered for the Party employing the personnel. The Responding Party employing the person is responsible for the payment of wages, salary, pension, and other compensation and benefits associated with the performance of duties under this Agreement.
- g. License Portability.
If the assistance of a person who holds a license, certificate, permit, or

other document evidencing qualification in a professional, mechanical, or other skill is requested by a Party under this Agreement, the person is considered licensed, certified, permitted, or otherwise documented in the Requesting Party's jurisdiction in which the service is provided as long as the service is required, subject to any limitations imposed by the chief executive officer or governing body of the Requesting Party.

h. The Duration of Aid.

The provision of Mutual Aid under this Agreement may continue until the services of the Responding Party are no longer required, or the Responding Party determines that further Mutual Aid should not be provided. Resources of the Responding Party shall remain subject to recall by the Responding Party at any time, subject to reasonable notice to the Requesting Party.

9. COSTS

All costs associated with the provision of Mutual Aid exceeding twelve consecutive hours shall be paid by the Responding Party and reimbursed by the Requesting Party at actual cost, to the extent permitted by law. Such costs include but are not limited to: compensation for personnel; operation and maintenance of equipment; damage to equipment; and food, lodging and transportation expenses.

- a. Requests for reimbursement must be submitted as soon as practicable but no later than sixty days after the return of all personnel deployed under this Agreement. Failure to submit a request for reimbursement within the specified time frame will result in the Responding Party not being reimbursed for the Mutual Aid provided unless the Requesting Party extends the deadline for filing requests for reimbursement or the Federal or State Government extends the deadline for filing request for reimbursement. Such requests shall specifically identify all personnel, equipment, and resources provided; dates of issuance or duration of deployment, and the unit cost and total costs associated with each.
- b. The Responding Party shall be responsible for creating and maintaining a record of all costs incurred, both reimbursed and unreimbursed costs, in providing Mutual Aid under this Agreement. The record shall be kept for a period of three years from the date the incident is closed.
- c. In the event federal funds are available for costs associated with the provision of Mutual Aid, the Parties agree that the Requesting Party shall make the claim for the eligible costs of the Responding Party on its subgrant application and will disburse the federal share of funds to the Responding Party.
- d. Reimbursement under this Section will be made by the Requesting Party no later than: (1) one-hundred eighty days after receipt of the request for

reimbursement; or (2) ninety days after the Requesting Party receives reimbursement from the federal or state government, whichever is sooner.

- e. The provision of Mutual Aid will be considered a non-reimbursable if the Responding Party does not request reimbursement within the time specified in this Section.

10. INSURANCE

- a. Workers' Compensation Coverage. Each Party shall be responsible for complying with the Texas Workers' Compensation Act.
- b. Automobile Liability Coverage. Each Party shall be responsible for complying with the Texas motor vehicle financial responsibility laws.
- c. General Liability, Public Officials Liability and Law Enforcement Liability. Each Party agrees to obtain or continue its general liability, public official's liability and law enforcement liability insurance, if applicable, or maintain a comparable self-insurance program.
- d. Other Coverage: The Responding Party shall provide and maintain its standard packages of medical and death benefit insurance coverage while its personnel are assisting the Requesting Party.

11. WAIVER OF CLAIMS AGAINST PARTIES

Each Party hereto waives claims for compensation for any loss, damage, personal injury, or death occurring as a consequence of the performance of this Agreement, except those caused in whole or part by the gross negligence of an officer or employee of another Party.

12. EXPENDING FUNDS

- a. Each Responding Party which performs services or furnishes aid pursuant to this Agreement shall do so with appropriated funds from current revenues available to the Responding Party, to the extent permitted by law. No Party shall have any liability for the failure to expend funds to provide aid hereunder.
- b. Each Requesting Party which reimburses costs of a Responding Party shall do so with appropriated funds from current revenues available to the Requesting Party, to the extent permitted by law.

13. EMERGENCY ASSISTANCE AND LAW ENFORCEMENT ASSISTANCE

Notwithstanding any other provisions herein, any Party hereto may provide emergency assistance or law enforcement assistance to another Party as provided in Section 791.027 of the Texas Government Code or Section 362.002 of the Texas Local Government Code.

14. TERM

This Agreement shall become effective as to each Party when approved and executed by that Party and shall be binding on each and every Party through December 31 of the year signed. This Agreement shall automatically renew for a period of one year upon the completion of the initial term and each subsequent term unless and until such time as the governing body of a Party terminates its participation in this Agreement pursuant to Section 25 of this Agreement. Termination of participation in this Agreement by a Party(ies) shall not affect the continued operation of this Agreement between and among the remaining Parties and this Agreement shall continue in force and remain binding on the remaining Parties.

15. LIABILITY IN FIRE PROTECTION CONTRACT OR PROVISION OF LAW ENFORCEMENT SERVICES.

To the extent that this Agreement is considered an Agreement under Section 791.006 of the Texas Government Code, the Responding Party under this Agreement is not responsible for any civil liability that arises from the furnishing of services described in Section 791.006.

16. LIABILITY UNDER INTERLOCAL CONTRACT

A Party that furnishes a service related to a homeland security activity, as defined in Chapter 421 of the Texas Government Code, under this Agreement is immune from civil liability for any act or omission resulting in death, damage, or injury while acting under this Agreement if the act or omission was in good faith and in the course and scope of its functions to provide a service related to a homeland security activity. To the extent that any service is not considered to be a homeland security activity, as defined in Chapter 421 of the Texas Government Code, the Requesting Party assumes all risk of and responsibility for any claims against the Responding Party that arise out of the Responding Party's furnishing of Mutual Aid under this Agreement, so long as, the act or omission was in good faith and in the course and scope of its functions to provide Mutual Aid under this Agreement.

17. ENTIRETY

This Agreement contains all commitments and agreements of the Parties regarding Mutual Aid to be rendered during or in connection with an Emergency. All previously entered into Regional Mutual Aid Agreements are superseded by this Agreement. No other oral or written commitments of the parties shall have any force or effect if not contained herein. Notwithstanding the preceding sentence, it is understood and agreed that certain signatory Parties may have heretofore contracted or hereafter contract with each other for Mutual Aid in Emergencies or the provision of other government services and functions, and it is agreed that this Agreement shall be subordinate to any such individual agreement.

18. OTHER MUTUAL AID AGREEMENTS

To assist each other in the process of Mutual Aid response planning, each Party shall inform the Administrative Agency of all mutual aid agreements,

memorandums of agreement or understanding, or contracts that each Party has with other municipalities, entities, counties, and state or federal agencies and furnish copies of said mutual aid agreements, memorandums of agreement or understanding, or contracts to the Administrative Agency, preferably in electronic format, if and when feasible and/or permissible.

19. RATIFICATION

Each Party hereby ratifies the rendering and/or receiving of Mutual Aid taken prior to the date of this Agreement.

20. INTERLOCAL COOPERATION ACT

The Parties agree that Mutual Aid in the context contemplated herein is a “governmental function and service” and that the Parties are “local governments” as those terms are defined in the Interlocal Cooperation Act.

21. CONFIDENTIALITY

The Parties recognize that the provision of Mutual Aid under this Agreement may result in the transfer of confidential medical information between them. The Parties shall guard the confidentiality of such information as required by the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), the Texas Medical Practice Act, and other state privacy laws pertaining to the confidentiality of medical records.

22. SEVERABILITY

If a provision contained in this Agreement is held invalid for any reason, the invalidity does not affect other provisions of this Agreement that can be given effect without the invalid provision, and to this end the provisions of this Agreement are severable.

23. VALIDITY AND ENFORCEABILITY

If any current or future legal limitations affect the validity or enforceability of a provision of this Agreement, then the legal limitations are made a part of this Agreement and shall operate to amend this Agreement to the minimum extent necessary to bring this Agreement into conformity with the requirements of the limitations, and so modified, this Agreement shall continue in full force and effect.

24. AMENDMENT

The Parties agree that this Agreement may be reviewed annually by the RHSCC. The Parties further agree that the Agreement may be amended by the RHSCC, as needed. At least sixty calendar days (60 days) before any RHSCC meeting at which an amendment or amendments to this Agreement will be considered and voted upon, the Administrative Agency shall send out notice to each Party to this Agreement informing them of the proposed amendment(s). This notice shall include the language of the amendment(s), and a list of current RHSCC members and officers and the jurisdictions they represent. Each Party may direct any comments or concerns about said amendment(s) to their respective RHSCC

representative(s) prior to said meeting. Upon approval of said amendment(s) by the RHSCC, the amendment(s) become(s) part of the Agreement and the Administrative Agency shall forward an amended copy of the Agreement to the Point(s) of Contact of the Parties to the Agreement.

25. TERMINATION

The governing body of a Party which is a signatory hereto, shall, by order, ordinance, or resolution, give notice of termination of participation in this Agreement and submit a certified copy of such order, ordinance, or resolution to the Administrative Agency. Such termination shall become effective not earlier than 30 days after the filing of such notice. The termination by one or more of the Parties of its participation in this Agreement shall not affect the operation of this Agreement as between the other Parties hereto. Upon receipt of said notice to terminate participation in the Agreement, the Administrative Agency shall notify the remaining Parties to the Agreement in writing within ten days.

26. THIRD PARTIES

This Agreement is intended to inure only to the benefit of the Parties hereto. This Agreement is not intended to create, nor shall be deemed or construed to create, any rights in third parties.

27. NOTICES

Any notice required or permitted between the Parties must be in writing, addressed to the attention of each respective Point of Contact, and shall be delivered in person, or mailed certified mail, return receipt requested, or may be transmitted by facsimile transmission.

28. WARRANTY

The Agreement has been officially authorized by the governing or controlling body of each Party hereto by order, ordinance or resolution and each signatory to this Agreement guarantees and warrants and guarantees that the signatory has full authority to execute this Agreement and to legally bind the respective Party to this Agreement.

29. IMMUNITY RETAINED

The Parties to this Agreement do not waive or relinquish any immunity or defense on behalf of itself, officers, employers, agents, and volunteers as a result of its execution of this Agreement and the performance of the covenants contained herein.

30. GOVERNING LAW AND VENUE

The laws of the State of Texas shall govern this Agreement. In the event of an Emergency physically occurring within the geographical limits of only one county that is a Party hereto, venue shall lie in the county in which the Emergency occurred. In the event of an Emergency physically occurring in more than one

county that is a Party hereto, venue shall be determined in accordance with the Texas Rules of Civil Procedure.

31. PARTY ELIGIBILITY

Any local government as that term is defined in Chapter 791 of the Texas Government Code may be a Party to this Agreement, provided that no Party is an agency, department or entity of the same town, county or State government.

32. FORMS

The Administrative Agency may prepare and provide forms designated for the purposes of this Agreement to be used by the Parties.

33. HEADINGS

The headings at the beginning of the various provisions of this Agreement have been included only to more quickly locate the subject covered by each provision and are not to be used in construing this Agreement.

EXECUTED by the Parties hereto, each respective entity acting by and through its duly authorized official as required by law, on multiple counterparts each of which shall be deemed to be an original, on the date specified on the multiple counterpart executed by such entity.

Name of Entity

Signature

Title

Printed Name

Date